

URBAN/MUNICIPAL  
CA4 ON HBL A05  
CSIP4 Feb. 1992

Agendas/minutes of the  
Planning and Development  
Committee of Council  
Feb/5/92 - Mar/4/92







URBAN/MUNICIPAL

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URBAN MUNICIPAL

FEB 4 1992

GOV. DOCUMENTS

**1992 January 30**

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1992 February 5**  
**10:15 o'clock a.m.**  
**Room 233, City Hall**

A handwritten signature in dark ink, appearing to read "T. Agnello".

Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA:**

**1. CONSENT AGENDA**





## **ZONING APPLICATIONS**

### **10:30 O'CLOCK A.M.**

2. Zoning Application 91-62, Truwan Holdings Limited, owner, for a change in zoning from "L-mr-1" to "G-3" for land in the area north of Eastgate Court and west of Centennial Parkway North; Kentley Neighbourhood.
3. Zoning Application 91-71, E. and T. Schoenholz, owners, for a modification to the "C" District regulations for land municipally known as 719 Knox Avenue; Parkview West Neighbourhood.

### **10:45 O'CLOCK A.M.**

4. Zoning Application 91-64, Canadian Japanese Cultural Centre at Onteora, prospective owner, for a modification to the "M-14" District regulations for property at No. 95 Unsworth Drive; Rymal Neighbourhood.

### **11:00 O'CLOCK A.M.**

5. Zoning Application 91-80, V. Baotic, lessee, for a modification to the "H" District regulations for property at Nos. 314-318 Queenston Road (Red Hill Plaza); Glenview East.
  - (a) Submission - Eileen Jacobs - 46 Adair Street South, Hamilton
  - (b) Submission - Ruth V. Crook - 41 Delena Avenue South, Hamilton
  - (c) Submission - Allan and Claudine Wylie, 724 Knox Avenue, Hamilton
  - (d) Submission - Steve and Lorraine Kristoff, 45 Delane Avenue South, Hamilton

6. **OTHER BUSINESS**

7. **ADJOURNMENT**







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting in 1992 February
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Rainwater Leader By-law - Exemption of Applegrove Project, 1380 Upper Ottawa Street	1992 January 8	Building	Tabled pending site visit.
ZA-91-40 - 478 and 488 Rymal Road East	1992 January 8	Planning	Referred back from Council on 1992 January 14 - P&D on 1992 February 5 at Solicitor's Request.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
ZA-91-54 276 Sanford Avenue North	1992 January 22	Planning	Tabled - upon the request of the applicant

1992 January 30





**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 FEBRUARY 5**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 January 22.

**B. COMMISSIONER OF PLANNING AND DEVELOPMENT**

Site Plan Control Application DA-91-70 to amend DA-85-11 to include a pylon sign and site modifications to the existing Dundurn Inn at 149 Dundurn St. N.

**C. BUILDING COMMISSIONER**

- (a) Demolition of 65 Oak Avenue - Tag No. 85645
- (b) Demolition of 216 Welbourne Drive - Tag No. 85696

**D. ACTING DIRECTOR OF PUBLIC WORKS**

- (a) Barton General Business Improvement Area (BIA) Proposed 1992 Budget and Schedule of Payments
- (b) Revised 1992 - 1994 Board of Management for the Barton General Business Improvement Area (BIA)
- (c) Main Street West Esplanade Business Improvement Area (BIA) Proposed 1992 Budget and Schedule of Payments
- (d) Revised 1992 - 1994 Board of Management for the Main Street West Esplanade Business Improvement Area (BIA)
- (e) Westdale Village Business Improvement Area (BIA) Proposed 1992 Budget and Schedule of Payments
- (f) Revised 1992-1994 Board of Management for the Westdale Village Business Improvement Area (BIA)





Wednesday, 1992 January 22  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

A.

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

**Absent:** Alderman D. Wilson, Regional Business

**Also present:** Alderman T. Cooke  
Alderman T. Anderson  
Alderman D. Agostino  
Alderman T. Jackson  
Alderman D. Ross  
Alderman G. Copps  
D. Kelterborn, Board of Education  
V. Abraham, Planning Department  
L. Lanza, Planning Department  
D. Godley, Planning Department  
P. Mallard, Planning Department  
B. Janssen, Planning Department  
K. Extance, Planning Department  
G. Aston, Regional Engineering Department  
R. Karl, Traffic Department  
W. Wong, Building Department  
D. Powers, Law Department  
T. Agnello, Secretary

1. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the Planning and Development Committee meeting of January 8, 1992 were adopted as circulated.

B. **DIRECTOR OF PROPERTY**

**Release of Construction Covenants - Aiden Tuite Part 10, Plan 62R-6188, 36 Keefer Court - Covenants as set out under Deed Number 473415 C.D.**

As recommended to the Director of Property in a report dated January 3, 1992, the Committee recommended to Council as follows:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 36 Keefer Court, Hamilton from the construction covenants to the City as contained in Deed Number 473415 C.D., registered on September 1, 1988.

**C. COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (i) **Subdivision Application 25T-82008-Revised Draft Plan of Subdivision "Hamilton Mountain Industrial Park No. 2"; West Hannon Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated January 6, 1992, the Committee recommended to Council as follows:

- (a) That the draft approval for the remainder of the "Hamilton Mountain Industrial Park No. 2" subdivision, the Regional Municipality of Hamilton-Wentworth, former owner, in the City of Hamilton under Regional File No. 25T-82008, be withdrawn.
- (b) That approval be given to revised application 25T-82008, 810294 Ontario Limited, owner, to establish a draft plan of subdivision located at the south-west corner of Rymal Road East and Glover Road, subject to the following conditions:
  - (i) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated as amended July 5, 1991, and showing 5 lots, 1 block and Court "A".
  - (ii) That the plan not receive final approval until construction of municipal sewers on the abutting road has been approved.
  - (iii) That the road allowance be dedicated to the City of Hamilton as public highway on the final plan.
  - (iv) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (v) That the final plan conform with the zoning by-law approved under the Planning Act.
  - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (viii) That the owner erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
  - (ix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (c) That the neighbourhood plan be revised to accommodate the new road pattern.



(ii) **Request to amend the Hamilton-Wentworth Official Plan - Air Cargo Terminal, Township of Glanbrook**

As recommended by the Commissioner of Planning and Development in a report dated January 10, 1992, the Committee recommended to Council as follows:

That the Clerk be directed to advise the Region that the Township of Glanbrook's request to amend the Hamilton-Wentworth Official Plan, to permit an air cargo terminal on the south side of Dickenson Road, between Glancaster Road and Hwy. 6, does not appear to impact on the planning intentions of the City of Hamilton. The Region should be satisfied, however, that the proposal will not result in a change in the Noise Exposure Forecast (NEF) contours.

(iii) **Proposed Plan - Sheldon and Mewburn West Neighbourhoods**

The Committee approved the following recommendation of the Commissioner of Planning and Development dated January 9, 1992 as follows:

That the Planning and Development Committee authorize a public meeting to discuss the two alternative proposed neighbourhood plans and accompanying Official Plan amendment.

**D. DIRECTOR OF PUBLIC WORKS**

(i) **Commercial Improvement Programme; Paving of Alleyway in the International Village Business Improvement Area**

As recommended by the Director of Public Works in a report dated January 13, 1992, the Committee recommended to Council as follows:

- (a) That within the International Village B.I.A., the east/west alleyway, between King William and King Street East, from Ferguson Avenue North to Jarvis Street be paved under the Commercial Improvement Programme at an estimated cost of twenty-nine thousand, four hundred dollars (\$29,400.) plus contingencies; and,
- (b) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.

(ii) **Commercial Improvement Programme; Paving of Alleyway in the Westdale Village Business Improvement Area**

As recommended by the Director of Public Works in a report dated January 13, 1992, the Committee recommended to Council as follows:

- (a) That within the Westdale Village B.I.A., the following alleyways be paved under the Commercial Improvement Programme at an estimated cost of one hundred and twelve thousand, three hundred dollars (\$112,300.) plus contingencies:
  - (i) Alleyway first north of King Street running from Marion Avenue to North Oval
  - (ii) Alleyway first south of King Street running from Marion Avenue to South Oval
  - (iii) Alleyway first south of King Street running from Paisley Avenue to Marion Avenue

- (iv) Alleyway first south of King Street running from Newton Avenue to Paisley Avenue
- (b) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.

E. **BUILDING COMMISSIONER**

**Cash-in-Lieu of Parking:**

81 Dundurn St. S.  
848 Main St. E.  
859 King St. E.

As recommended by the Building Commissioner in a report dated January 15, 1992, the Committee recommended to Council as follows:

- (a) That the Cash-in-Lieu agreements for 81 Dundurn Street South and 848 Main Street East be rescinded by Council due to the lack of payments of moneys finalizing the agreements.
- (b) That the Cash-in-Lieu payment application for 859 King Street East be denied for disposal.

F. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

**Citizen Appointments to:**

- (a) **Business Land Use Advisory Board**
- (b) **Local Architectural Advisory Committee**

A report of the Secretary of the Planning and Development Committee dated January 21, 1992 was added to the agenda and approved as follows:

- (a) That Ramanath Mulki Kamath and Tony Valeri be appointed to sit on the Business Land Advisory Board for the term to commence March 1st, 1992 to November 30th, 1994 and that Council be notified of these appointments;
- (b) That City Council appoint the following people to the Local Architectural Conservation Advisory Committee for the term to commence March 1st, 1992 to November 30th, 1994:

Robert Brough  
Diane G. Dent  
Jeffrey C. Martin  
John Mokrycke  
Jane Rigby  
Reg Wheeler  
Robert Rankin



1. **REGULAR AGENDA**

2. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

**Presentation Regarding Niagara Escarpment Planning Issues in the City of Hamilton**

Mr. Keith Exance was present to give a brief overview of the Niagara Escarpment Commission Planning issues.

A brief history of the relationship between the Niagara Escarpment Commission and the City of Hamilton was given. He outlined three designated areas on a map of the City of Hamilton as "Escarpment Natural Area", "Escarpment Protection Area" and "Urban". Any development within the "Escarpment Natural Area" designation requires a development permit from the Niagara Escarpment Commission.

The approved Niagara Escarpment plan outlined a framework and a process by which Municipalities could assume greater land use planning control. The Planning Department is presently taking steps to implement this process.

3. **OTHER BUSINESS**

The rules of order were suspended to hear items pertaining to other business.

3.1 **Concession Street Business Improvement Area**

Alderman Merling advised that the Concession Street Business Improvement Area are presently considering disbanding since many doctors which have moved in the area do not feel a Business Improvement Area would be beneficial to them. Since a precedent has been set with the Jamesville Business Improvement Area, the Concession Street Business Improvement Area is intending to have a vote on the matter. Mayor Morrow offered to attend the next Concession Street Business Improvement Area meeting in order to discuss the matter with the members.

All members of City Council are to be invited to attend this meeting.

3.2 **Rainwater Leader By-law - Exempt property at 1380 Upper Ottawa Street**

Alderman Merling moved to lift Item 6 of the Planning and Development Committee meeting of January 8, 1992 from the table.

As recommended by the Building Commissioner in a report dated December 19, 1991, the Committee recommended to Council as follows:

That the project at 1380 Upper Ottawa Street (Applegrove) be exempt from connecting all rainwater leaders to storm sewers as required by By-law 80-245 and be accepted as built.

3.3 **Amendment to By-law 91-206 to delete a video store as a permitted use**

Upon the request of Alderman Merling, the Committee recommended to Council as follows:

That the Law Department be directed to prepare a By-law for presentation to City Council to amend By-law 91-206 by deleting a video store as a permitted use.

**ZONING APPLICATIONS**

4. **Zoning Application 91-55, Vedemo Construction Ltd., owner, for a modification to the "E-3" District regulations for properties at Nos. 131-133 Market Street; Central Neighbourhood**

Paul Mallard advised the Committee that of 759 notices sent, 39 were in favour and 1 was opposed. He also stated that the Traffic Department has concerns regarding limited moving space but that since this approval is for a temporary (3 year) parking lot, the Planning Department recommends approval.

As recommended by the Commissioner of Planning and Development in a report dated January 14, 1992, the Committee recommended to Council as follows:

- A. That approval be given to Zoning Application 91-55, Vedemo Construction Limited, owner, for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit the temporary use of lands for parking purposes for a three-year period in accordance with Section 38 of the Planning Act, R.S.O. 1983, for property located at Nos. 131 - 133 Market Street, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-Law No. 6593, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of lands for parking of motor vehicles accessory to the use of land at No. 206 King Street West, for a three year period, and subject to the following variances as special requirements:
  - (i) that the parking lot shall only be accessory to the use of land at No. 206 King Street West;
  - (ii) that a minimum front yard set back of 3.0m shall be required and shall be provided and maintained as a planting strip;
  - (iii) that no vehicular access to or egress from Market Street shall be permitted;
  - (iv) that a minimum 1.5m wide planting strip shall be provided and maintained along the easterly and westerly property lines;
  - (v) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained within the front yard; and,
  - (vi) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the easterly and westerly property lines;
- (b) That the amending By-Law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1257, and that the subject lands on Zoning District Map W-9 be notated S -1257;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Map W-9 for presentation to City Council;



- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan for the parking lot and registers the site plan on title.

5. **Amendment to the Official Plan and Zoning Application 91-66, J. Beume Real Estate Ltd., prospective owner, for a modification to the "L-mr-2" District regulations for property at No. 121 Augusta Street; Corktown Neighbourhood**

The Committee was in receipt of correspondence from Canadian National Railway dated January 10, 1992 stating no objection to the application and Canadian Pacific Railway dated January 15, 1992 in support of the application.

Paul Mallard explained that the purpose of the application is to convert an industrial building to general offices. The approval of the application is subject to site plan approval.

As recommended by the Commissioner of Planning and Development in a report dated January 14, 1992, the Committee recommended to Council as follows:

A. That approval be given to Official Plan Amendment No. 105 to establish a "Special Policy Area" to permit general offices within the existing building, for property municipally known as No. 121 Augusta Street, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

B. That approval be given to amended Zoning Application 91-66, Jack Beume Real Estate Ltd., prospective owner, requesting a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices only within the existing building, for property located at No. 121 Augusta Street, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations, as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 17B(4) of By-law No. 6593, the following shall be permitted:

(1) general offices, only within the existing building;

(2) a ground sign in the front yard of an area of not more than 1.2 square metres and a height of not more than 1.2 m and either non-illuminated or illuminated by non-flashing, indirect, or interior means only;

(ii) That notwithstanding Section 18A(7), three of the required parking spaces shall have a length of not less than 5.2 m;

(iii) That Section 18A(9) shall not apply to the required loading space;

- (iv) That Section 18A(11)(b) shall not apply;
- (v) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.0 m in height shall be provided and maintained along the easterly lot line adjoining the parking area;
- (vi) That Section 18A(14) shall not apply;

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1258, and that the subject lands on Zoning District Map E-5 be notated S-1258;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- (d) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 105 by the Regional Municipality of Hamilton-Wentworth.

C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has:

- (a) applied for and received approval of a site plan, registered on title, for the parking area; and,
- (b) entered into an encroachment agreement with the City of Hamilton for the concrete pedestal that presently encroaches into the road allowance.

6. **Zoning Application 91-68, 467052 Ontario Ltd. (E. Kennish), owner; for a change in zoning from "D" to "H" and a modification to the "H" District regulations for properties at Nos. 261 and 263 Wellington Street North; Beasley Neighbourhood**

Paul Mallard advised that the applicant is requesting a change in zoning to permit lands to be used as a parking lot in conjunction with Tim Horton's.

He explained that the by-law is to be held in abeyance pending site plan approval.

Rob Collie, applicant on behalf of Tim Horton's was present. Mr. Collie was concerned that a 3 metre road widening is required as part of the site plan agreement.

Joyce Anderson, a resident of 224 Wellington Street North, Hamilton, was interested in the landscaping and lighting.

Roland Karl advised that the alleyway is to remain open and accessible.

As recommended by the Commissioner of Planning and Development in a report dated January 15, 1992, the Committee recommended to Council as follows:

- A. That approval be given to Zoning Application 91-68, 467052 Ontario Ltd. (E. Kennish, President), owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified (Block "1"), and for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit a parking lot on property located at Nos. 261 and 263 Wellington Street North, to be used only in conjunction with the Tim Horton's Donut Shop located on adjoining

lands at No. 222 Barton Street East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
  - (i) that a parking lot shall be permitted only accessory to the use of land located at No. 222 Barton Street East, subject to the following:
    - (1) that a minimum front yard set back of 3.0m shall be required and shall be provided and maintained as a landscaped strip, except for that area required for a driveway access onto Wellington Street North;
    - (2) that a minimum 1.5m wide planting strip shall be provided and maintained along the southerly lot line;
    - (3) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the southerly lot line;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1259, and that the subject lands on Zoning District Map E-12 be notated S-1259;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Map E-12 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval, and registers the site plan on title.

7. **Amendment to the Official Plan and Zoning Application 91-51, Harnox Holdings Ltd., owner for a modification to the "HH" District regulations for property at No. 1051 Upper James Street, Greeningdon Neighbourhood**

Letters of objection to the application were received from the following:

- (a) Mr. Michael Lyn, 1050 Upper James Street, Hamilton, L9B 1K2
- (b) Mrs. Emilia Gudowski, 130 Victor Boulevard, Hamilton, L9A 2V4
- (c) Dauper, Mary Gorger, L. Blacklock, Marilyn Foster, N. S. Dietrich, Diana State, Randy Duex, Heather Douglas, D. Nick, Gail Reufore (via fax - no address)



Paul Mallard advised that the recommendation is for denial since the applicant is requesting a 48 bed facility and this would not be in keeping with the character of the area but would become an institutional facility because of the request for more than 20 housing units.

Steven Bookman, applicant, advised that reports pertaining to the City of Hamilton residential care facility by-law indicate that the City of Hamilton supports the concept of these types of facilities in Hamilton. He explained that correctional services will provide the most complete program of its type in the country. Historically, the location has been used as a detention centre with as many as 52 beds at one time for the past 22 years. The 48 beds will be provided in 9 self-sufficient modules. He continued by stating that there would be a direct economic benefit to the City of Hamilton. He urged the Committee to approve the application.

Grace Bournot of 151 Victor Boulevard, Hamilton  
Emilia Gudowski of 130 Victor Boulevard, Hamilton  
Helen Ryan of 97 Victor Boulevard, Hamilton  
Martin Pomsar of 327 Caledon Avenue, Hamilton  
M. Noor of 126 Victor Boulevard, Hamilton  
Janis Cuthbertson, Employee at Red Lobster on Upper James Street, Hamilton  
Bill Lukawewky of 110 Victor Boulevard, Hamilton  
Tom Murray of 180 Buckingham Drive, Hamilton  
Paul Burgess of Career Canada College, 1039 Upper James Street, Hamilton  
Pamela Lindeman of 59 Limeridge Street East, Hamilton and  
Marko Greco, owner of 97 Victor Boulevard, Hamilton

were present in opposition to the application. They voiced several concerns as follows:

- safety of residents, especially women and children
- safety of property
- the necessity for 24 hour security
- lack of privacy in backyards
- potential hazard of escapes
- noise problems
- proximity to 2 elementary schools
- interest in making money over safety of residents
- decrease in property values
- safety of employees working at Red Lobster
- the history and severity of crimes committed by the residents of similar facilities
- concerns about repeat offenders
- proximity of facility to Career Canada College
- leniency of parole system

Steven Bookman reiterated that the application is consistent with the City's commitment. He stated that the public meeting is not a trial of the justice system. Studies indicate that there is no drop in property values as a result of these facilities. The applicant's sole intent is not to make money. Again, he urged the Committee to focus on the City's stated intentions and approve the application.

Aldermen Anderson, Merling, D'Amico and Ross concurred that the residents have valid concerns regarding their security as a result of past documented incidents in the newspapers of crimes committed by repeat offenders.

As recommended by the Commissioner of Planning and Development in a report dated January 15, 1992, the Committee recommended the following to Council as amended:

That Zoning Application 91-51, Harnox Holdings Ltd, owner, requesting an Official Plan amendment and a modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, to permit a 48 bed adult Community Correctional Centre (jail), for the property located at No. 1051 Upper James Street,

as shown on the attached map marked as Appendix "D", be denied for the following reason:

- (a) the function of a Community Correctional Centre resembles a 'Residential Care Facility', in that residents live on the premises for social and emotional reasons and for the purposes of achieving well being through self-help and/or counselling programs. Residential Care Facilities are permitted 'as-of-right' in other Commercial Districts such as the "H" (Community Shopping and Commercial, etc.) District and the "T" (Central Business) District with a maximum capacity of 20 residents. The proposed capacity of 48 residents is 2.4 times higher than the number of residents permitted in other commercial districts and would result in the creation of an 'Institutional' use. The proposal is contrary to the intent and philosophy of the by-law which was designed to promote smaller facilities which approximates a family living environment.

8. **Zoning Application 91-54, A. C. Dabner and D. D. Hill, owners, for a modification to the "K" District regulations for property at No. 276 Sanford Avenue North; Gibson Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning dated January 6, 1992.

The Committee resolved to table this item as per the request of the applicant.

9. **Zoning Application 91-70, A & G Paul and S. Paquette, owners, for a modification to the "C" District regulations for property at No. 300 East 34th Street; Macassa Neighbourhood**

The Committee was in receipt of correspondence in opposition to the application from the following people:

- (a) Mr. and Mrs. Robert Brett, 307 East 34th Street, Hamilton, L8V 3X2
- (b) K & S Karaska, 318 East 34th Street, Hamilton and Jenette June Mavre, 324 East 34th Street, Hamilton, L8V 3X3
- (c) Wm. and L. Kreidl, 297 East 34th Street, Hamilton

Paul Mallard advised that the application is for permission to convert a building to a two family dwelling. 99 notices have been sent and replies have been 10 in favour and 13 opposed.

Mr. Greg Paul, applicant, advised that the home was purchased from the M.L.S. Listings as a two family home, and as such, the application is to legalize an existing use.

Mr. Matherson of 859 Fennell Street was concerned that the dwelling may be further used as a multiple dwelling.

Bill Kreidl of 297 East 34th Street submitted a petition with the names of 50 residents in opposition to the rezoning. He stated that the lot size is small and unsuitable for two family dwelling. He advised that the building presently has 3 kitchens and bathrooms (one on each level). He submitted a copy of the phone directory showing 3 phone listings and an article from a local paper advertising a third basement apartment. He advised that a second exterior door has been added to the home since it was purchased from the present owner and that a building permit was not obtained for this.

Bill Harding of 327 East 34th Street was also present in opposition to the proposed rezoning.



Greg Paul advised that he was unaware a building permit was required and that a third apartment was advertised but never leased. He stated that his intention is not to use the basement as a third apartment.

Alderman Charters and Jackson urged that the application be denied.

Contrary to the recommendation of the Commissioner of Planning and Development in a report dated January 9, 1992, the Committee recommended that the application be denied as follows:

That Zoning Application 91-70, Aurelia Paul, Greg Paul and Sharon Paquette, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize an existing two-family dwelling for property located at No. 300 East 34th Street, as shown on the attached map as Appendix "E", be denied for the following reason:

- (a) The proposed two-family dwelling would be incompatible and out of character with the existing predominantly single-family residential development in the surrounding area.

**10. Modified Neighbourhood Plan Review - Chedoke Park Neighbourhood**

10.1 Report from the Kirkendale/Chedoke Neighbourhood Plan Advisory Committee dated January 14, 1992.

10.2 Report from the Commissioner of Planning and Development dated January 15, 1992.

The Committee was in receipt of correspondence from the following people.

- (a) Peggy M. Dick, 100 Flatt Avenue, Hamilton, L8P 4N3
- (b) Wendy Moore Spors, Safety Representative, Earl Kitchener Home and School Associates, 14 Miles Court, Hamilton, L8P 4G6
- (c) Seymour and Noreen Wige, 77 Stanley Avenue, Hamilton, L8P 2L2
- (d) Herman Turkstra, Solicitor, 15 Bold Street, Hamilton, L8P 1T3
- (e) Frank R. Hanta, 24 Mount Royal Avenue, L8P 4H6
- (f) Linda Pearson, 7 Beulah Avenue, Hamilton, L8P 4G8
- (g) E. J. Pearson, 7 Beulah Avenue, Hamilton, L8P 4G8
- (h) Walter Reiss (no address given)

Joanne Hickey Evans gave a brief overview and history of the Kirkendale/Chedoke Neighbourhood Committee.

Dale Brown, Chuck Renaud and Paul Smith were present to speak on behalf of the neighbourhood committee.

They stressed the importance of neighbourhood input into a plan of this kind. The neighbourhood committee has developed 15 criteria concerned most with noise, safety and the preservation of the environment. They stated that the site in question is an inferior location for residential use since it is bounded by a railroad site, public works yard and public golf course. They questioned the ability of the school system to absorb additional students. Potential increased traffic was also a concern.

Ed Fothergill, Planning Consultant on behalf of the owner of the property, urged the Committee not to adopt the neighbourhood plan as policy since he considers the plan as site specific.

Joanne Hickey Evans advised that the Ministry of the Environment originally stated that sealed windows were appropriate but have since decided that sealed windows are not appropriate for residential use. In addition, the Niagara Escarpment Commission has indicated that a woodlot on the property be preserved.



Ed Fothergill explained that the property can only be used as light industrial or residential and that the industrial uses of the property are limited since the Economic Development Department has been unable to find an industry willing to locate on this property. The owner has conducted a market study on the potential of the property to be used as residential and the results of this study are favourable. He suggested that the impacts, even with regard to traffic and schooling, are not substantial.

Ed Fothergill advised that there have been problems in communicating with both the Ministry of the Environment and the Niagara Escarpment Commission with regard to their approvals. He felt that the issues can be resolved and asked that the matter be deferred to the next meeting in order that these agencies could be contacted.

Wanda Crouse of 128 Chedoke Avenue, a member of the neighbourhood committee was present. She showed the committee a facsimile from a planner at the Niagara Escarpment Commission that states that the developers proposal regarding the woodlot is unacceptable. She also advised that CP Railway is in opposition to residential development at this location.

John Nolan of 100 Chedoke Avenue advised that a hearing has been scheduled by the developer for February 24, 1992 and urged the Committee to make a decision at this meeting otherwise the City would not have a set position going into the consolidated hearings.

Dave Powers concurred and advised that if the Committee's decision is deferred that the applicant should be requested to defer the hearing accordingly. The consolidated hearing is for an appeal to the Ontario Municipal Board, an appeal regarding the submission and an appeal to the Niagara Escarpment Commission.

Ted Nakarchyck of C.P. Rail was present to officially oppose the rezoning. He stressed the importance of Safety and urged the Committee to deny the application.

Mike Renault of 56 Flatt Avenue was present. He stated that schools are already overburdened and cannot take any additional students.

Carol Towne of Undermount Avenue stated concern over safety and opposed residential development.

Ed Fothergill advised that he could not give a decision regarding the deferral of the hearings.

Following discussion, the Committee recommended to Council that the recommendation of the Commissioner of Planning and Development dated January 15, 1992 be approved as amended as follows:

- (a) That the proposed Chedoke Park Neighbourhood Plan, as proposed by the Kirkendall/Chedoke Park Neighbourhood Plan Advisory Committee as amended, as shown on the map attached hereto as Appendix "F", be adopted, by City Council.
- (b) That the City request the Niagara Escarpment Commission to consider placing the lands under Site Plan Control at the time a Development Permit is issued for 100 Beddoe Drive so the City of Hamilton can regulate screening, buffering, grading, etc.

**11. Request for an Official Plan amendment - Land located south of Studholme Road west of Beddoe Drive**

The Committee was in receipt of correspondence from the following people in opposition to the amendment:

- (a) Brian M. Dourley, Solicitor, Canadian Pacific Legal Services - 40 University Avenue, Toronto, M5J 1T1
- (b) Hannah Feldman (no address given)

As recommended by the Commissioner of Planning and Development in a report dated January 15, 1992, the Committee recommended to Council as follows:

That Official Plan Amendment P5-3-8-3, Chedoke Heights Inc., owners, requesting a redesignation of the subject lands from "Industrial" to "Residential", and to create a Special Policy Area to permit the development of the subject lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units, for lands located south of Studholme Road, west of Beddoe Drive, as shown on the attached map marked as Appendix "G", be denied for the following reasons:

- (a) The Ministry of the Environment has advised that the proposed mitigative measures (sealed windows) are not acceptable as a method of noise attenuation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses;
- (b) The woodlot has visual and natural feature of the urban fabric. In this regard, the woodlot should be preserved;
- (c) It is contrary to the approved Chedoke Park Neighbourhood Plan which designates the site for light industrial/warehousing; non-retail commercial; recreational; and, non-residential institutional uses.

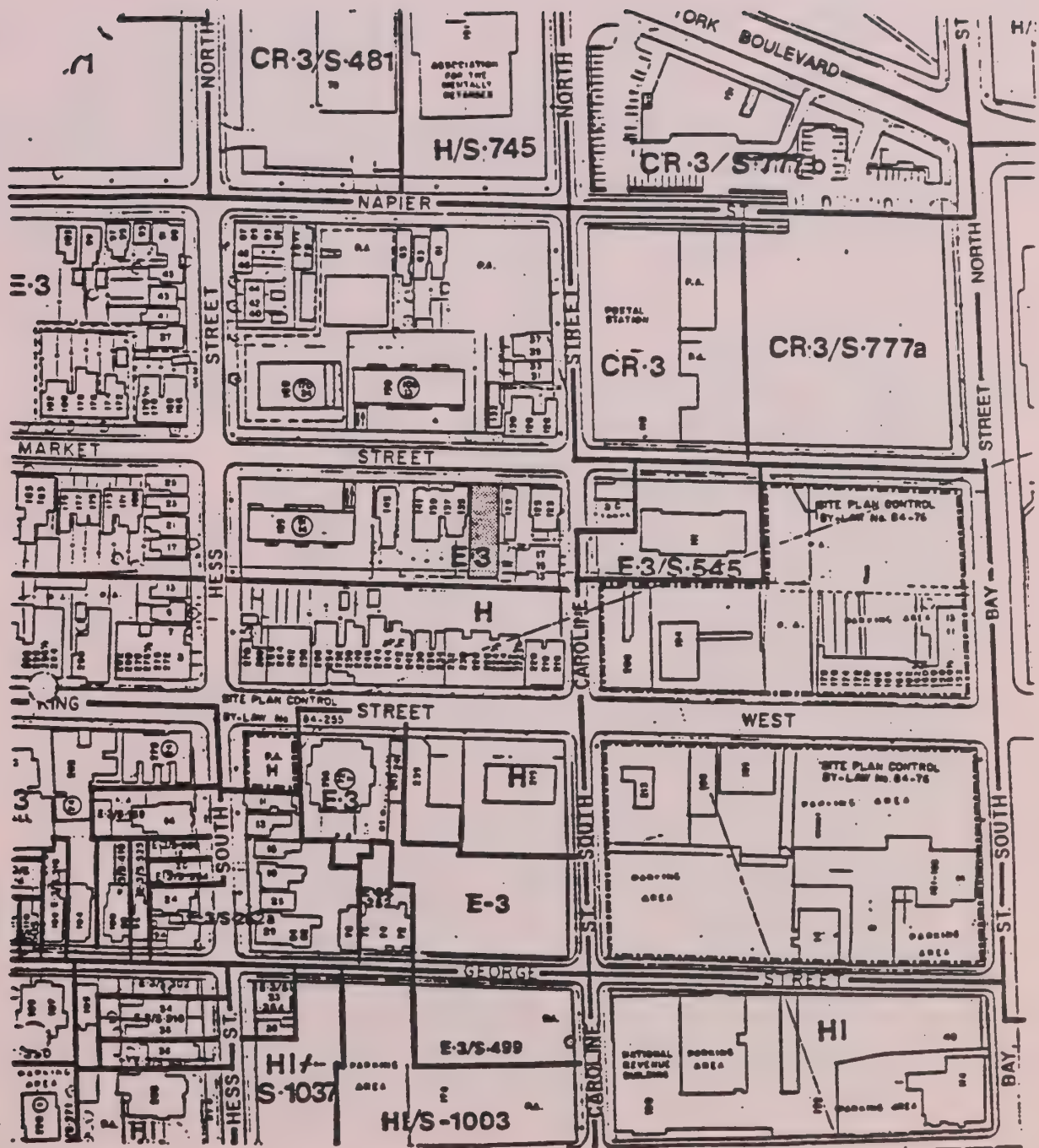
12. **ADJOURNMENT**

There being no further business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN DON DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE**

Tina Agnello  
Secretary  
1992 January 22



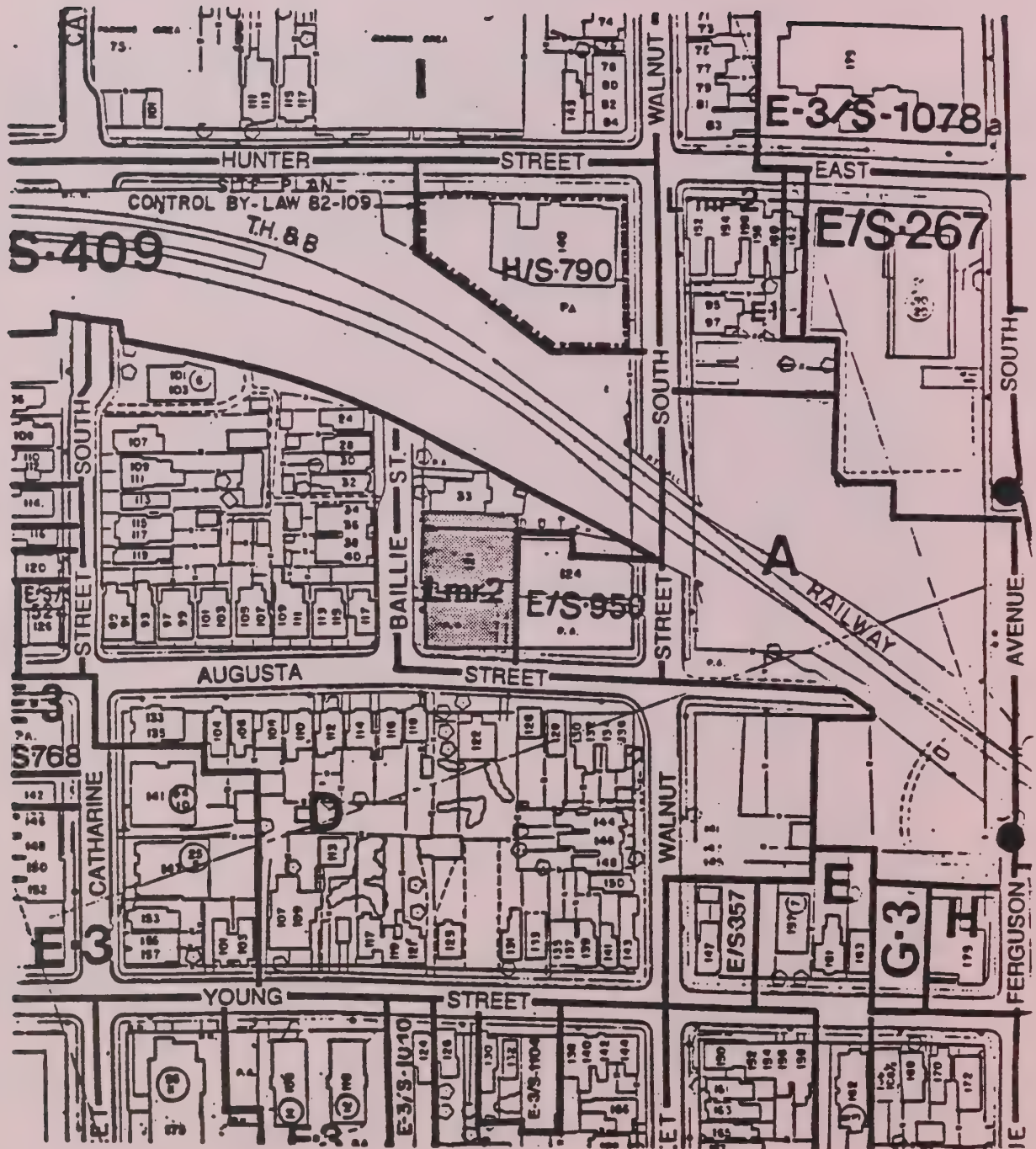
**Legend**



Site of the Application

Appendix "A" as referred to in Section 4 of the Planning and Development Committee Minutes 1992 January 22.



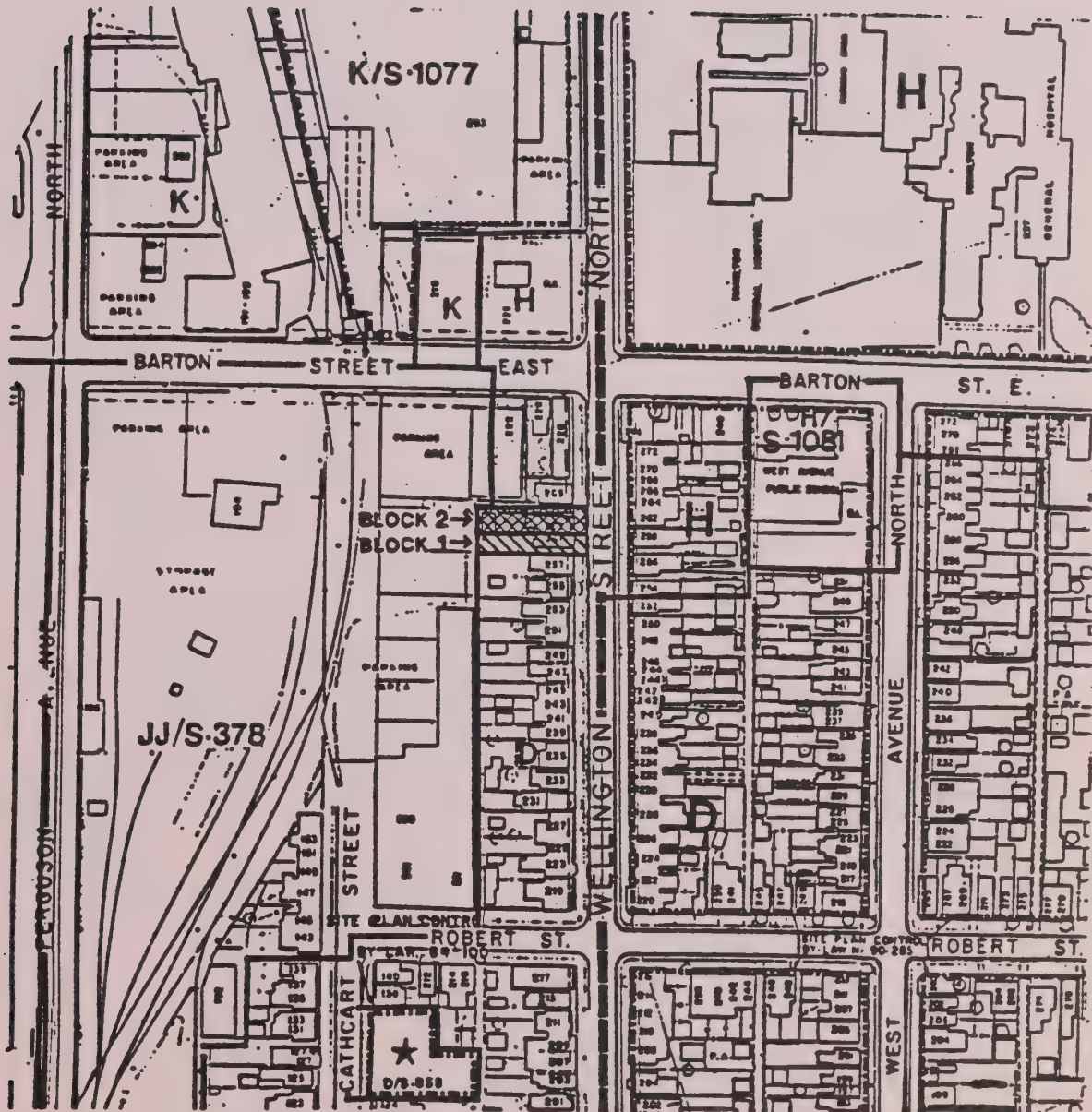


**Legend**



Site of the Application

Appendix "B" as referred to in Section 5 of the Planning and Development Committee Minutes 1992 January 22.



Change in zoning from:

BLOCK 1



"D" (Urban Protected Residential Townhouses, etc.) District  
To: "H" (Community Shopping

BLOCK 2

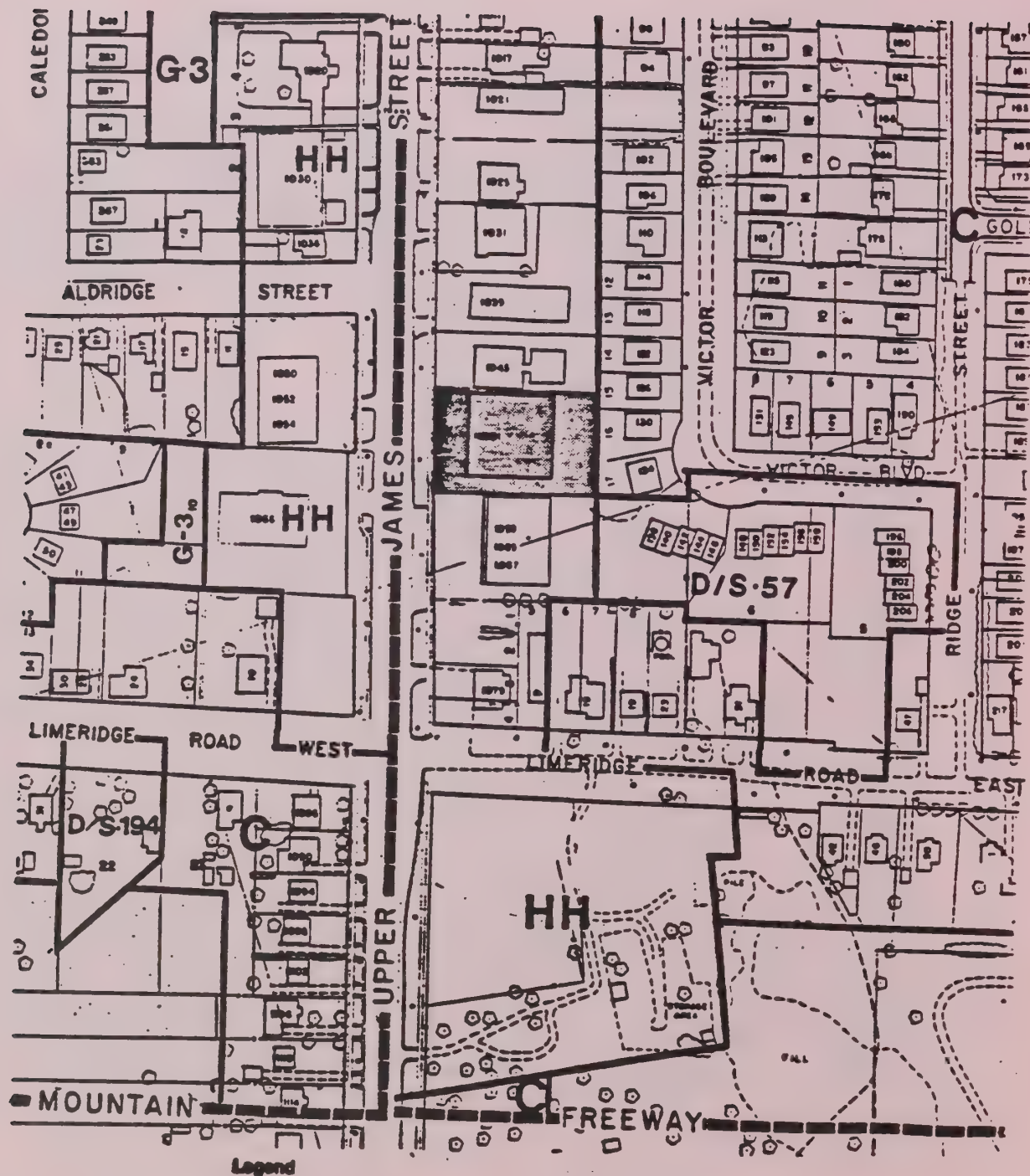


Modification to the "H" (Community Shopping) District.

C-1.

Appendix "C" as referred to  
in Section 6 of the Planning  
and Development Committee  
Minutes 1992 January 22.





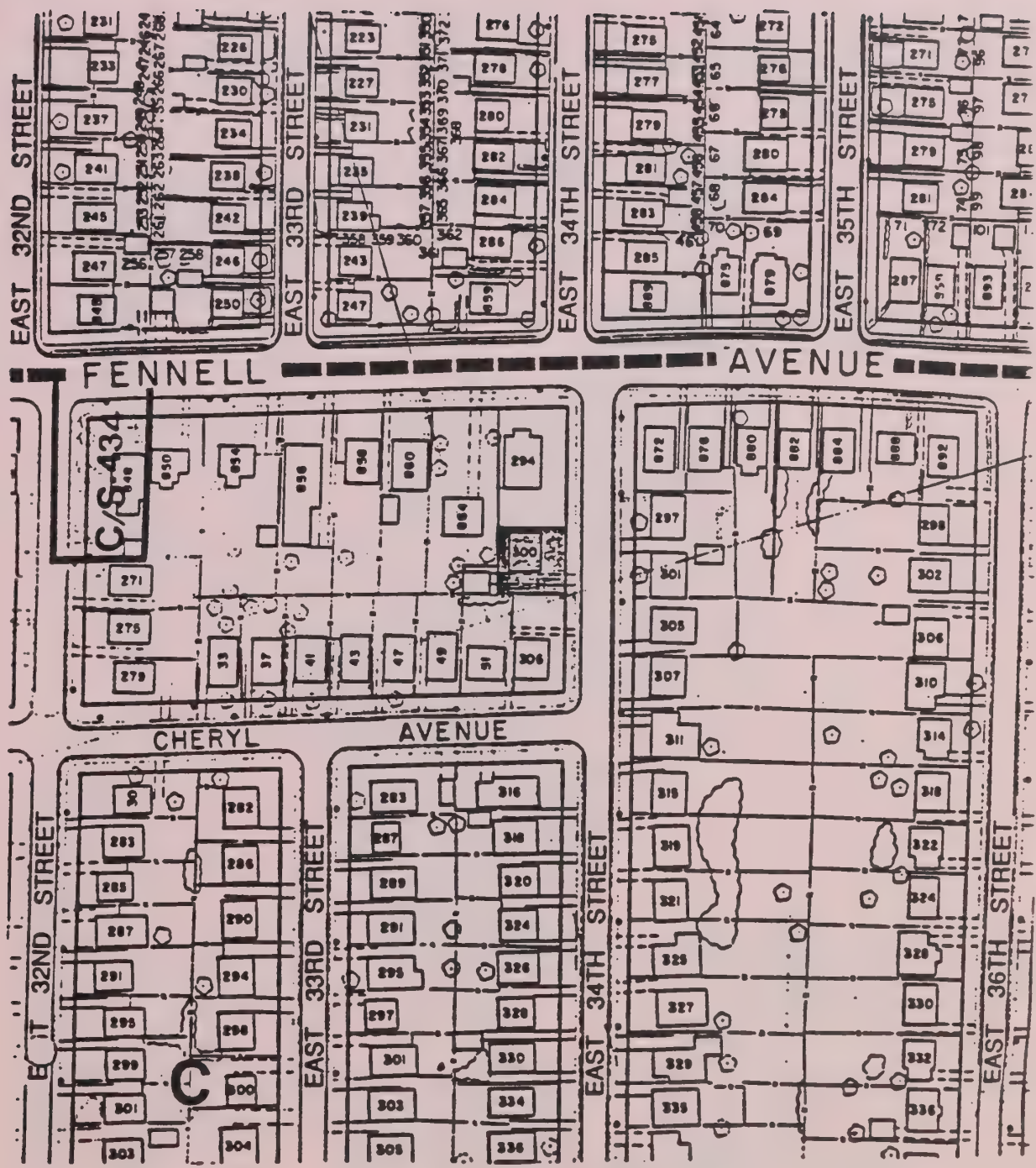
Legend



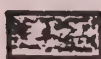
Site of the Application

Appendix "D" as referred to  
in Section 7 of the Planning  
and Development Committee  
Minutes 1992 January 22.





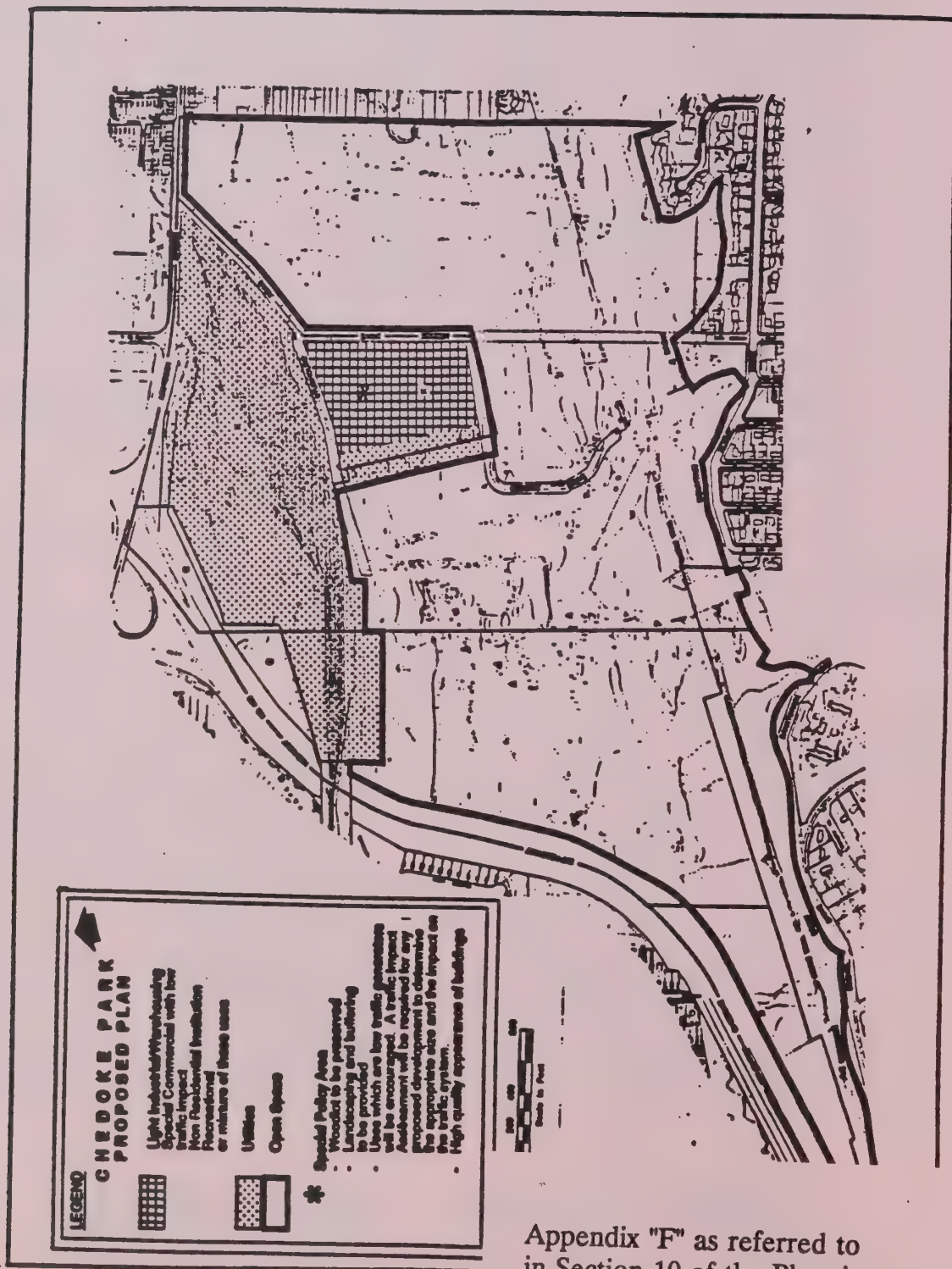
Legend



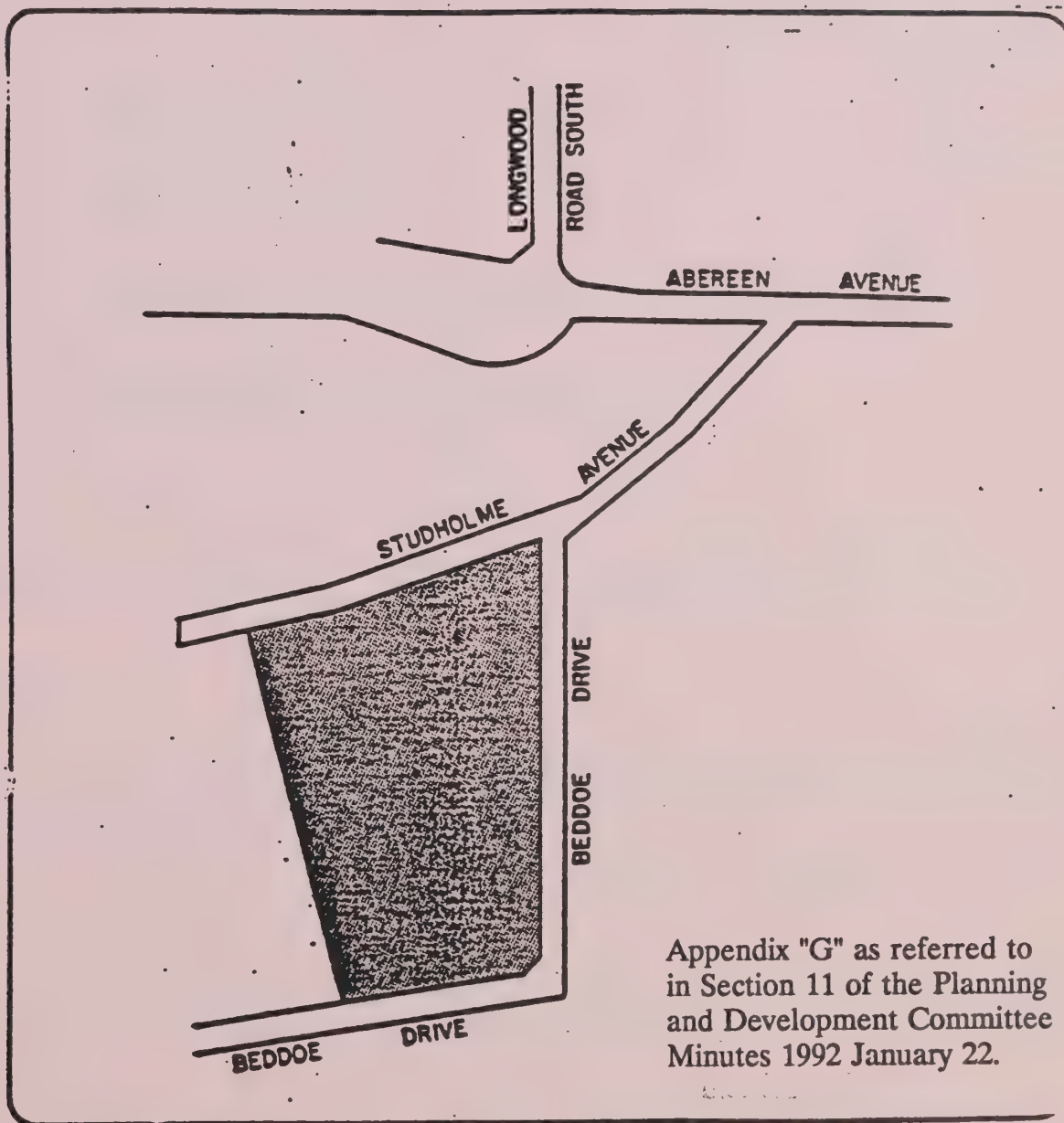
Site of the Application

Appendix "E" as referred to  
in Section 9 of the Planning  
and Development Committee  
Minutes 1992 January 22.





Appendix "F" as referred to in Section 10 of the Planning and Development Committee Minutes 1992 January 22.



Appendix "G" as referred to  
in Section 11 of the Planning  
and Development Committee  
Minutes 1992 January 22.

**City of Hamilton**

# OFFICIAL PLAN AMENDMENT

*Regional Municipality of Hamilton-Wentworth  
Planning and Development Department*

## Legend



Site of the application

North 	Scale <b>NOT TO SCALE</b>	Reference File No. P6-8-3
	Date <b>NOVEMBER, 1998</b>	Drawn By T.A.





B.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 January 3  
DA-91-70 (DA-86-99)  
(DA-85-11)  
Rymal Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development


**SUBJECT:**

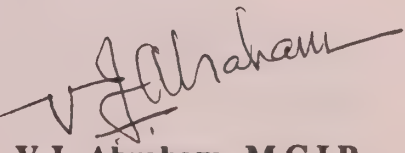
Site Plan Control Application DA-91-70 to amend DA-85-11 to include a pylon sign and site modifications to the existing Dundurn Inn at 149 Dundurn Street North.

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-91-71 to amend DA-85-11 by Dundurn Inn Ltd., owners, of lands known as 149 Dundurn Street North to include a pylon sign and site modifications subject to the following:

- i) modification to the plan in relation to notes, and dimensions as marked in red on the plan; and,
- ii) approval by the Committee of Adjustment to permit a manoeuvring space aisle width of 5.5 m minimum, along the west wall of the building, instead of the required 6.0 m minimum.

  
J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V.J. Abraham, M.C.I.P.  
Director of Local Planning

**BACKGROUND:**

Plans have been submitted to amend DA-85-11 to include a pylon sign and site modifications. The details of the previous and the amending development are as follows:

		<u>DA-85-11</u>	<u>DA-91-70</u>
•	Net Lot Area	- 3689.0 m <sup>2</sup>	SAME
•	Gross Floor Area	- 2676.0 m <sup>2</sup>	2729.0 m <sup>2</sup>
•	Building Height	- three (3) storeys	SAME
•	No. of Parking Spaces Provided	- 61	61
•	Landscape Area	- 1045.0 m <sup>2</sup>	1015.5 m <sup>2</sup>

**COMMENTS RECEIVED:**

(see attachments)

**COMMENTS:**

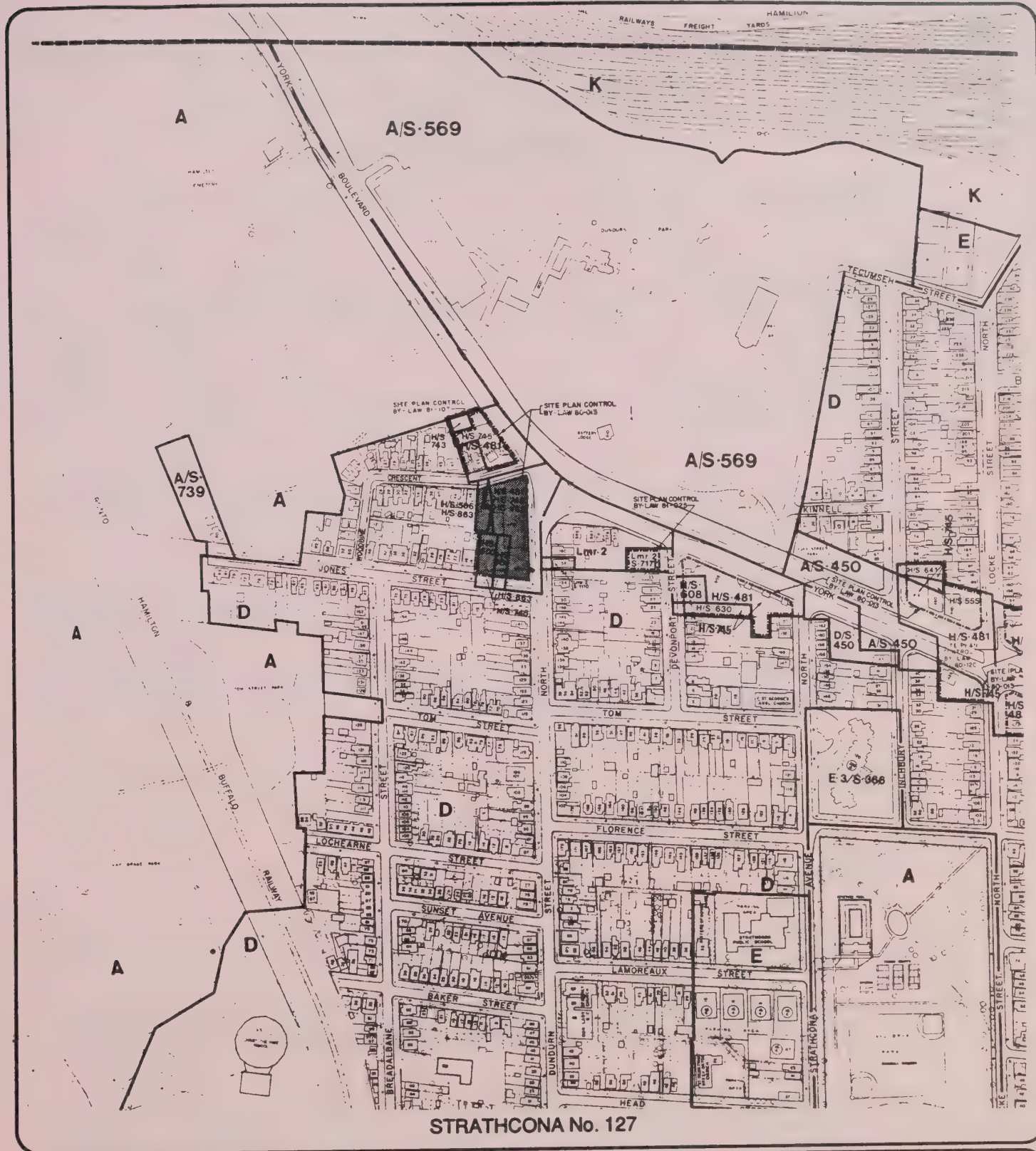
Various modifications are required to the plan in relation to notes, and dimensions, and have been marked in red on the plans. Except for the addition of the proposed pylon sign, the submitted plans represent the existing development on the site.

With respect to the comments made by the Building Department regarding the reduced aisle width, it is necessary that the applicant apply to the Committee of Adjustment for a variance to permit a manoeuvring space aisle width of 5.5 m minimum, along the west wall of the building, instead of the required 6.0 m minimum.

The Traffic Department has advised that since the reduced width is an existing situation and has operated this way satisfactorily for sometime they are prepared to support the above-noted variance.

Since the variance is considered to be minor in nature, the proposal can be supported. The applicant should therefore make an application to the Committee of Adjustment for approval.





STRATHCONA No. 127

City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-91-70**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale  
1:5000

Date  
OCTOBER, 1991

Reference File No.  
DA-91-70

Drawn By  
L.B.



# THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

## BUILDING DEPARTMENT

FAX - (416) 546-2764  
GENERAL INQUIRIES - (416) 546-2720

Refer to File  
Attention of  
Telephone

DA-91-70  
S.K. Parker  
546-2722

**PRESENT ZONING: H/S-481, S-566, S-603, S-745 and S-863**

1991 November 20

Mr. A. L. Georgieff  
Director of Local Planning  
Planning and Development Department

Dear Sir:

RE: DA-91-70  
149 DUNDURN STREET NORTH (DUNDURN INN)

PLANNING & DEVELOPMENT LOCAL PLANNING DEPARTMENT			
File No. NOV 21 1991			
TO	STAFF	INIT.	INFO.
DIR.			
PR & A			
NEIGH			
DEV.			
C&O			
STAFF			
CART.			
ADMIN.			

The above, under cover of your letter dated October 22, 1991, has been examined.

### COMMENTS:

1. The width of the proposed sign is actually 10.0', not 7.0' as indicated on the site plan for location.
2. The manoeuvring space aisle width is insufficient along the west wall of the building for the parking spaces adjacent to the west lot line.
3. The manoeuvring space overlaps the parking spaces in the area where the parking area layout has changed and also it appears that the manoeuvring and parking spaces overlap in the southwest corner of the parking area.

Yours truly,

  
for the Building Commissioner

SKP/zr

# DEPARTMENT OF ENGINEERING

## MEMORANDUM

PLANNING & DEVELOPMENT			
LOCAL PLANNING DEPARTMENT			
File No.		Received	
		NOV 25 1991	
TO	STAFF	INIT.	INFO.
DIR.			
P.P.A.			
NEIGH.			
DEV.			
E & U.D.			
S			
DA-91-70			
F			
CART.			
ADMIN.			

TO: J. Sakala  
Planning and Development

YOUR FILE

FROM: K. A. Brenner  
Manager of Environmental Planning  
Department of Engineering

OUR FILE: E220-1907  
PHONE: (416) 546-4299

SUBJECT: Site Plan Control Application DA-91-70  
to amend DA-86-99 at Dundurn Inn,  
149 Dundurn Street North, Hamilton

DATE: 1991 November 21

### GRADING AND SERVICING

The revised site and landscape plan submitted, dated, September 1991, is approved with respect to Regional concerns with grading.

*K.A. Brenner*  
EH:lm





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170  
Fax (416) 526-6665

Refer to File No. E220-1907  
Attention of C.A. Unelli  
Your file No. DA-91-70

December 11, 1991

TO: J. Sakala, Planning Department  
FROM: K.A. Brenner, Engineering Department  
RE: Site Plan Control Application DA-91-70 to amend  
DA-86-99 at Dundurn Inn, 149 Dundurn Street North

Further to our letter of November 21, 1991, we have the following additional comments and recommendations:

Transportation Comments:

Any works within the adjacent road allowance must conform to the respective Streets By-Law.

Comments from the Building Department should be considered with respect to the fence and its height at the corner of Jones Street and Dundurn Street.

  
CAU:tlj

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
TO		STAFF	UNIT	INFO. ACT.
	DIR.			
	PR & A.			
	NEIGH.			
	DEV.			
	E. & U.D.			
	STAFF			
	CART.			
	ADMIN.			

DEC 16 1991

Handwritten initials: DPS, KB, and others.



# THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

## TRAFFIC DEPARTMENT

Fax No. (416) 546-2419

Tel No. (416) 546-4510

TDD No. (416) 546-2448

1991 December 6

Mr. A. L. Georgieff, M.C.I.P.  
Director of Local Planning  
Planning and Development Department

Attention: Mr. John Sakala


Dear Sir:

Re: DA-91-70  
149 Dundurn Street North

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		DEC 06 1991		
TO	STAFF	INIT	ING	ALL
DIR.				
PP & A				
NEIGH				
DEV				
EXHIB				
STAFF				
CART.				
ADMIN.				

In response to your letter of 1991 October 22, please be advised that we have reviewed the above-noted application and find it satisfactory.

Yours truly,

  
Murray F. Main, P. Eng.  
Director of Traffic Services

RK/WC/lem



November 4, 1991

Mr. A.L. Georgieff, M.C.I.P.  
Director of Local Planning  
Planning and Development Department  
71 Main Street West, Hamilton  
Ontario L8N 3T4

JS  
KB.  
H  
1

Attention: John Sakala

RE: SITE PLAN CONTROL APPLICATION - DA-91-70  
- DA-91-71

The Hamilton Street Railway is not opposed to the above noted land use application.

Regarding DA-91-70, please note that Route 6 buses travel south on Dundurn Street from York Blvd and that bus stop # 82410 is located on the north-west corner at Jones Street.

Yours truly,

Myra Lazar  
Transit Planning Technologist  
Transportation Services

*We're going  
your way.*



**CITY OF HAMILTON**

(Ca)

**- RECOMMENDATION -**

**DATE:** 1992 January 28

**REPORT TO:** Miss Charlene J. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
65 OAK AVENUE - Tag Number 85645

JAN 28 1992

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 65 Oak Avenue.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Semi-Detached Two Family Dwelling

**BRIEF DESCRIPTION:** One and half storey wood frame dwelling in fair condition

It is the intention of the owner to demolish the existing single family dwelling and propose a semi-detached two family dwelling. Lot Size: 50.00' x 96.00'

The owner of the property as per the demolition permit application is:

Angela Agostino  
52 St. Matthews Street  
Hamilton, Ontario L8L 5P3 Telephone Number: 528-7823

c.c. 912.42.1A



**CITY OF HAMILTON**

Cb)

**- RECOMMENDATION -**

**DATE:** 1992 January 28

JAN 28 1992

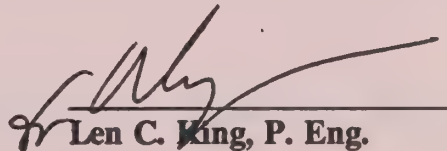
**REPORT TO:** Miss Charlene J. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
216 WELBOURNE DRIVE - Tag Number 85696

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 216 Welbourne Drive.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C" (Urban Protected Residential)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** One storey wood frame dwelling in poor condition

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot Size: 50.00' x 138.44'

The owner of the property as per the demolition permit application is:

Pietro Tuttolomondo  
18 Valery Court  
Hamilton, Ontario L9C 2W1 Telephone Number: 383-2602

c.c. 91.2.4.2.1.A





Da)

JAN 27 1992

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 January 23

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

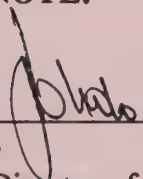
**SUBJECT:** Barton General Business Improvement Area (B.I.A.)  
Proposed 1992 Budget and Schedule of Payments

**RECOMMENDATION:**

- a) That the 1992 operating Budget of the Barton General B.I.A. be approved in the amount of five thousand dollars (\$5,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1988 to levy the 1992 Budget as referenced above; and,
- c) That the Schedule of Payments for 1992 be as follows:

March	\$2,500.
August	\$2,500.

**NOTE:** Levy Arrears will be deducted from the last payment for 1992.

  
\_\_\_\_\_  
D. Lobo  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The amount of the five thousand dollars (\$5,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this five thousand dollars (\$5,000.).

...../2

**BACKGROUND:**

At its general meeting which was held on 1991 November 27, a reserve for arrears and adjustments was held by the B.I.A.

JP:bk

~~JP~~  
cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. I. R. Hammel, Acting City Treasurer  
Treasury Department

Mr. J. Thompson, Secretary  
Finance and Administration Committee



RECEIVED DEC 09 1991

1991 November 28

J. Pacey  
Community Renewal Officer  
Community Development Dept.  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Jeanne:

I am happy to inform you that **Barton** General has a fresh, new Board. Attached is a list of all Board members with their addresses and phone numbers.

There were 16 people in attendance at the General Meeting on Wednesday, November 27, 1991 and the vote to pass a \$5,000.00 budget was unanimous.

The budget has been reduced from \$6,000.00 to \$5,000.00 since there are fewer businesses in the B.I.A.

Yours sincerely,



Sandra Costa  
Administrative Assistant  
B.I.A. Office  
Job Development

noted from  
91 12 10



Db)

**CITY OF HAMILTON**

JAN 27 1992

**- RECOMMENDATION -**

**DATE:** 1992 January 23

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

**SUBJECT:** Revised 1992-1994 Board of Management for the  
Barton General Business Improvement Area (B.I.A.)

**RECOMMENDATION:**

- a) That Schedule 'B' of By-Law No. 87-308, as amended, appointing the Barton General B.I.A. Board of Management, be repealed and the following names substituted:

Fabio Chiappetta	Your Bakery
Marko Tollis	Riviera Banquet Centre
Nazir Hanhan	CanAm Mortgage
Paul Hamburg	Creations Pastry Shop
Keith Cody	Cody's Wallcoverings
Rob Brooker	Gas Tank King
Joe Zidanic	Century Restoration
John Hilger	Ways to Wisdom
Peter Chant	Balloons and More
Ann Coward	Angelo's Place
Roger Dimeo	Dimeo Real Estate
Ron Stewart	Bank of Montreal
Sonya Hanhan	Sonya's Travel
John Stassis	Dr. Carburetor

- b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-Law No. 87-308 pursuant to (a) above.





D. Lobo  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management ... is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, Council shall appoint a person qualified."

Barton General B.I.A. held a general meeting on 1991 November 27 to appoint the Board of Management.

JP:bk

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

BARTON GENERAL B.I.A.

Chairman	Fabio Chiappetta Your Bakery 415 Barton St. E L8L 2Y4
Vice-Chairman	Marko Tollis Riviera Banquet Centre 422 Barton St. E L8L 2Y6
Treasurer	Nazir Hanhan CanAm Mortgage 464 Barton St. E L8L 2X7
Secretary	Paul Hamburg Creations Pastry Shop 302 Barton St. E L8L 2X5
Directors	Keith Cody (Cody's Wallcoverings) Rob Brooker (Gas Tank King) Joe Zidanic (Century Restoration) John Hilger (Ways To Wisdom) Peter Chant (Balloons & More) Ann Coward (Angelo's Place) Roger Dimeo (Dimeo Real Estate) Ron Stewart (Bank of Montreal) Sonya Hanhan (Sonya's Travel) John Stassis (Dr. Carburetor)





Dec)

JAN 27 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 January 23

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

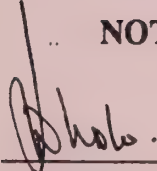
**SUBJECT:** Main Street West Esplanade Business Improvement  
Area (B.I.A.) Proposed 1992 Budget and Schedule  
of Payments

**RECOMMENDATION:**

- a) That the 1992 operating Budget of the Main Street West Esplanade B.I.A. be approved in the amount of four thousand dollars (\$4,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217 of the Municipal Act, R.S.O. 1991 to levy the 1992 Budget as referenced in (a) above; and,
- c) That the Schedule of Payments for 1992 be as follows:

March	\$2,000.
August	\$2,000.

**NOTE:** Levy Arrears will be deducted from the last payment for 1992.

  
\_\_\_\_\_  
D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The four thousand dollars (\$4,000.) is totally levied by the B.I.A. through its members. There is not cost to the City of Hamilton for any part of this four thousand dollars (\$4,000.) operating budget.

**BACKGROUND:**

At its general meeting held 1992 January 08, the Main Street West Esplanade B.I.A. adopted a budget of four thousand dollars (\$4,000.).

JP:bk

*JP*

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. I. R. Hammel Acting City Treasurer  
Treasury Department

Mr. J. Thompson, Secretary  
Finance and Administration Committee

Dd)

JAN 31 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 January 23

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

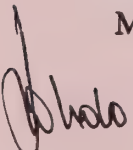
**SUBJECT:** Revised 1992-1994 Board of Management for the  
Main Street West Esplanade Business Improvement Area

**RECOMMENDATION:**

- a) That the following names be appointed to the Main Street West Esplanade B.I.A. Board of Management:

Maria Farrugia  
Joyce Morrison  
Alice Perniac  
Morley Barnard

Calla Decor and Design  
The Royal Bank of Canada  
Lorne Haverty Ltd.  
Barnard Speziale Design Associates Inc.

  
\_\_\_\_\_  
D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management ... is a body corporate and shall consist of such a number of members appointed by Council."

...../2



- (7) "Each member shall hold office from the time of his appointment until the expiration of the terms of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

Main Street West Esplanade B.I.A. held a general meeting on 1992 January 08 to appoint the Board of Management.

JP:bk

*tom*

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

REVISED

JAN 29 1992

De

JAN 29 1992

**DATE:** 1992 January 27

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

**SUBJECT:** Westdale Village Business Improvement Area  
(B.I.A.) Proposed 1992 Budget and Schedule of  
Payments

**RECOMMENDATION:**

- a) That the 1992 operating budget of the Westdale Village B.I.A. (attached as Schedule 'A') be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217 of the Municipal Act, R.S.O. 1991, to levy the 1992 Budget as reference (a) above; and,
- c) That the Schedule of Payments for 1992 be as follows:

March	\$12,500.
August	\$12,500.

**NOTE:** Levy arrears will be deducted from the last payment for 1992.

D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The amount of twenty-five thousand dollars (\$25,000.) is totally levied by the B.I.A. through its members, there is no cost to the City of Hamilton for any part of this twenty-five thousand dollars (\$25,000.) operating budget.

**BACKGROUND:**

Westdale Village held a general meeting 1991 November 26, adopting a Budget of twenty-five thousand dollars (\$25,000.).

JP:bk

*JP*

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. I. R. Hammel, Acting City Treasurer  
Treasury Department

Mr. J. Thompson, Secretary  
Finance and Administration Committee



BUDGET 1992

ADVERTISING	10,000
PRINTING	3,000
INSURANCE	400
ACCOUNTING & BANKING COST	350
COMMUNICATION	1,500
CHRISTMAS DECORATIONS	2,000
PROMOTIONS	<u>12,000</u>
TOTAL	29,250

BUDGET	25,000
91' carried	<u>4,250</u>
TOTAL	29,250



DF

CITY OF HAMILTON

JAN 27 1992

- RECOMMENDATION -

**DATE:** 1992 January 23

**REPORT TO:** Ms. C. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

**SUBJECT:** Revised 1992-1994 Board of Management for the  
Westdale Village Business Improvement Area  
(B.I.A.)

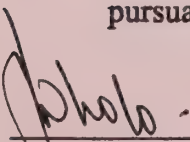
**RECOMMENDATION:**

- a) That Schedule 'B' of By-Law No. 86-098, appointing Westdale Village B.I.A. Board of Management be repealed and the following names be substituted:

Albert Snow  
Cathy Young  
Pat Hubbard  
Janet McDonald  
Reg Lahie  
Cynthia Dika  
John Sonke  
John Mouskas  
Adam Yoo  
Gene Dimer

Albert Snow Design  
Westdale Food Shoppe  
Copies Plus  
C.I.B.C.  
Jack Carruth Shoes  
The Colour Studio  
Westdale Hardware  
New Village Restaurant  
Grandma Lees  
Cottage Florist

- b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-Law No. 86-098 pursuant to (a) above.



D. Lobo,  
Acting Director of Public Works



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management ... is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from time of his appointment until the expiration of the term of the Council that appointed him."
- (8) Where vacancy occurs from any cause the Council shall appoint a person qualified."

Westdale Village B.I.A. held a general meeting 1991 November 26.

JP:bk

~~JP~~

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

Albert Snow  
Chairperson

Albert Snow Design  
1036 King St. W.  
525-0831

Cathy Young  
Co-Chairperson

Westdale Food Shoppe  
1043 King St. W.  
521-8988

Pat Hubbard  
Secretary

Copies Plus  
1060 King St. W.  
546-0410

Janet McDonald  
Treasurer

CIBC  
1015 King St. W.  
572-3333

Reg Lahie

Jack Carruth Shoes  
1018 King St. W.  
529-6642

Cynthia Dika

The Colour Studio  
1028 King St. W.  
529-0996

John Sonke

Westdale Hardware  
1006 King St. W.  
577-9044

John Mouskas

New Village Restaurant  
988 King St. W.  
522-4331

.. Adam Yoo

Grandma Lees  
1050 King St. W.  
523-0197

Gene Ditner

Cottage Florist  
1033 King St. W.  
524-1080



2.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** January 28, 1992  
(ZA-91-62)  
Kentley Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in Zoning - lands in the area north  
of Eastgate Court and west of Centennial Parkway North.

**RECOMMENDATIONS:**

- A. That approval be given to Official Plan Amendment No. for the establishment of a SPECIAL POLICY AREA, to permit a parking area within the "RESIDENTIAL" designation for lands in the area north of Eastgate Court and west of Centennial Parkway North, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That approval be given to Zoning Application 91-62, Truwan Holdings Limited, owner, for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "G-3" (Public Parking Lots) District, to permit a parking lot to be used in conjunction with commercial use located at Nos. 2444 - 2450 Barton Street East and No. 211 Centennial Parkway North for lands in the area north of Eastgate Court and west of Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "G-3" (Public Parking Lots) District;
  - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
    - a) that the parking lot shall only be accessory to the use of land located at Nos. 2444 - 2450 Barton Street East and No. 211 Centennial Parkway North;



- b) That a planting strip of not less than 1.5m in width shall be provided and maintained along the westerly property line;
  - c) That a visual barrier not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the westerly property line.
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-103 be notated S- ;
  - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
  - v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton Wentworth;
  - vi) That the Kentley Neighbourhood Plan be amended by redesignating the subject lands from "ATTACHED HOUSING" to "COMMERCIAL".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives Site Plan Approval, and registers the site plan on title.

**EXPLANATORY NOTE:**

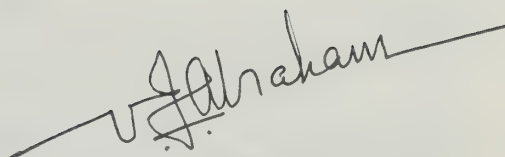
1. City Council will adopt Official Plan Amendment No. for the establishment of a "SPECIAL POLICY AREA", to permit parking within a "RESIDENTIAL" designation for property located in the area north of Eastgate Court and west of Centennial Parkway North.
2. The purpose of the the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "G-3" (Public Parking Lots) District, for lands in the area north of Eastgate Court and west of Centennial Parkway North, as shown on the attached map.

The effect of the By-law is to allow the use of the subject lands for parking purposes only in conjunction with the use of lands located at Nos. 2444 - 2450 Barton Street East and No. 211 Centennial Parkway North.

In addition, the By-law provides for the following variances as special requirements:

- that a planting strip of not less than 1.5m in width shall be provided and maintained along the westerly property line;
- that a visual barrier not less than 1.2m in height and not more than 2.0m in

**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**

  
**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

The purpose of the application is to rezone the rear portion of lands at No. 2444 - 2450 Barton Street East and No. 211 Centennial Parkway North to permit additional (non required) parking for the existing commercial development and possible future expansion.

***APPLICANT:***

Truwan Holdings Limited, owner.

***LOT SIZE AND AREA:***

The subject lands do not front directly onto a public road and have:

- a lot width of approximately 42.67m (140.0 ft.);
- a lot depth of approximately 54.25m (178.0 ft.); and,
- a lot area of approximately 0.23ha (0.573 ac.).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"L-mr-1" (Planned Development - Multiple Residential) District
<u>Surrounding Lands</u>		
to the north	commercial	"HH" (Restricted Community Shopping and Commercial) District

to the south	parking lot	"L-mr-1" (Planned Development - Multiple Residential) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the west	vacant	"L-mr-1" (Planned Development - Multiple Residential) District

### ***OFFICIAL PLAN:***

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply;

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

The proposal does not comply with the intent of the Official Plan. Should the application be approved, an amendment would be required to establish a Special Policy Area to permit the proposed parking lot, notwithstanding the Residential designation and Policy A.2.2.38.

### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated for "ATTACHED HOUSING" on the approved Kentley Neighbourhood Plan. The proposal does not comply with the intent of the Plan. Should the application be approved, a neighbourhood plan amendment would be required to redesignate the subject lands to "COMMERCIAL".

### ***COMMENTS RECEIVED:***

- The Building Department has advised that:

"The new lot must be incorporated into the title of the existing lot so the required parking would be on the same lot".



- The Traffic Department has advised that:

"The neighbourhood plan designates the lands north of Eastgate Court, with the exception of one commercial block fronting onto Centennial Parkway, as future attached housing. This application to rezone this block of land to "G-3" (Public Parking Lots) undermines the intent of the approved plan for the Kentley Neighbourhood. Allowing these lands to be rezoned to "G-3" may encourage similar applications from the properties to the west leading to an elimination of the attached housing block and the residential character of Eastgate Court.

If approved, the commercial properties fronting Barton Street East would be able to expand the size of their commercial developments as the parking areas in the rear would accommodate the required parking. The net result could be a series of relatively high intensity commercial developments along a short frontage of Barton Street. The traffic generated by the additional commercial businesses would add to the existing high traffic volumes on Barton Street. In conclusion, we do not support this application."

- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Barton Street is 36.58m and Centennial Parkway is 36.58m. The applicant should be advised of a future 3.048m widening on Centennial Parkway and we will recommend that as a condition of any approvals under the Planning Act that this road widening on Centennial Parkway be dedicated to City of Hamilton. There seems to be some discrepancy between our survey plans and the assessment maps with respect to the property lines on Centennial Parkway. We have no evidence of widening to establish the property line 18.29m from the centre line of construction on Centennial Parkway. Therefore, the condition should be retained until proven otherwise.

Although the lands to be rezoned do not front on any roadway, we advise the applicant/owner at this time that any works which may occur within the road allowances on the balance of his property must conform to the respective Streets By-Laws.

As noted on the attached assessment plan and as illustrated on 62M-666, there will be a remnant 12m of land between Eastgate Court to the south and lands to the north which is owned by lands to the east.

The approval of this application, without land assembly to the south, will likely result in a sterile 12m strip of land along 45m of land adjacent to Eastgate Court. We therefore, recommend that consolidated development occur in this area since it was the intent of the neighbourhood plan to develop these lands from Eastgate Court and the Region/City can recover outstanding servicing costs and lift a portion of the one (1) foot reserve shown as Block 33 on Plan 62M-666".



- The Hamilton Region Conservation Authority has no comments or objections.

### COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. Should the application be approved, an amendment would be required to establish a "Special Policy Area" to permit the proposed parking lot.
2. The proposal does not comply with the intent of the approved Kentley Neighbourhood Plan. Should the application be approved, a Neighbourhood Plan amendment would be required to redesignate the subject lands to "COMMERCIAL".
3. The current "L-mr-1" (Planned Development - Multiple Residential) District zoning on the subject lands functions as a "holding zone" for future multiple residential development. Preferably, the lands should be consolidated with the adjoining lands to the south and west to provide for "ATTACHED HOUSING" development in accordance with the approved Kentley Neighbourhood.

In this regard, the applicant's agent has advised that they approached the abutting property owner at the southwest corner of Eastgate Court and Centennial Parkway North, with the aim of purchasing the remnant 12m strip of land to the south. However, it is understood the abutting property owner indicated an interest in purchasing all or part of the applicant's lands for use with its car dealership.

Given both parties interest in "squaring off" their holdings to provide for additional parking space, it is unlikely the lands will be developed for their intended use. Accordingly, the proposal has merit and can be supported for the following reasons:

- i) it would be accessory to the adjoining commercial development to the north;
- ii) it would not prejudice the future assembly and residential development of the subject lands and/or adjacent lands to the south and west as contemplated by the approved Neighbourhood Plan; and,
- iii) it will provide an opportunity to clean up and improve the appearance of the site which is presently unkempt.

Due to the uncertainty of property consolidation, the use of the lands for parking should be restricted as accessory to the applicant's lands only. This would enable the City to review access and landscape restrictions along Eastgate Court in the future should the lands be consolidated with the adjoining 12m strip of land to the south.

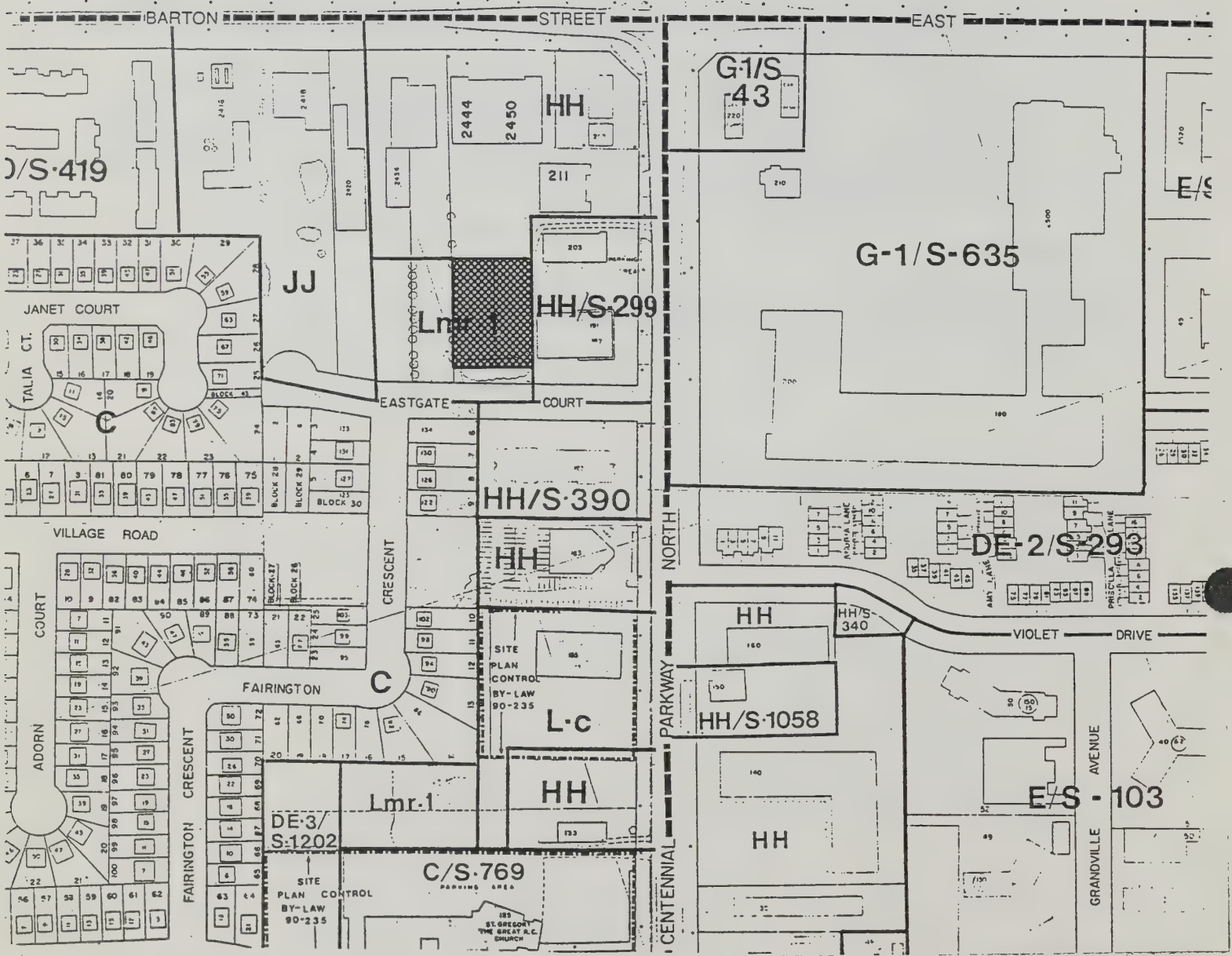
4. The provisions of Section 18A of Zoning By-law No. 6593 do not apply to non required parking. Accordingly, in order to mitigate any spill-over effects on adjoining residentially designated lands to the west, the amending by-law should provide for the following variances as special requirements:

- a) that a planting strip of not less than 1.5m in width shall be provided and maintained along the westerly property line;
  - b) that a visual barrier not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the westerly property line.
5. The "G-3" (Public Parking Lots) District is subject to site plan control. However, a parking lot does not require a building permit, therefore, to ensure orderly development, it is suggested that the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval and registers it on title.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

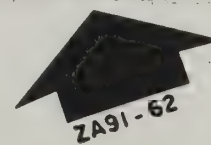
GAW/ma  
ZA9162



# Legend



Site of the Application





# CITY OF HAMILTON

3

## - RECOMMENDATION -

**DATE:** 1992 January 28  
ZA-91-71

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification of zoning - No. 719 Knox Avenue.

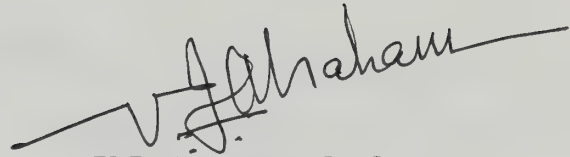
### **RECOMMENDATION:**

That Zoning Application 91-71, Ernie and Tom Schoenholz, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to permit the subdivision of lands municipally known as No. 719 Knox Avenue into eight (8) small lot single-family building lots, having common access to Knox Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) the proposal conflicts with the intent of the Official Plan, in that:
  - a) it would not be in keeping with the established character and development pattern of the area;
  - b) the proposed density of development does not provide for sufficient spacing to maintain privacy, amenity and value; and,
  - c) it represents an over intensification of use and would be incompatible with surrounding development;
- ii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law, and alter the character of the neighbourhood.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Severance Application

On January 8, 1991 the Regional Land Division Committee approved land severance application (H-4-91) to convey a parcel of land having 21.7' of lot frontage on Knox Avenue, a lot area of 2,229 sq. ft. to be added to an adjoining parcel of land (719 Knox Avenue), and retain a parcel of land having 28.33' of lot frontage and a lot area of 2,922 sq. ft. occupied by an existing single-family dwelling (723 Knox Avenue).

The Planning Department's comments stated:

"The Department feel that the granting of the severance is premature pending submission of a formal application and planning review of any proposed redevelopment of the interior lands. Further, granting of the severance at this time will establish legal road frontage for No. 719 Knox Avenue and in so doing, will circumvent proper planning for the interior lands. Given that there are a number of outstanding issues respecting this proposal, the proposed severance is premature and, at this time, not in the interest of proper planning."

The Department recommended that the application be DENIED.

- Minor Variance

On May 15, 1990, the Committee of Adjustment approved minor variance application (A-87-91) to permit the existing dwelling located at No. 719 Knox Avenue to maintain

a lot width of 6.61m (21.7') instead of 12.0m (39.37'), and the existing dwelling located at No. 723 Knox Avenue to maintain a lot width of 8.63m (28.33') instead of 12.0m (39.37'), and lot area of 270.80m<sup>2</sup> (2,915 sq.ft) instead of 360.0m<sup>2</sup> (3,875.13 sq. ft.).

- Proposal

The proposed modification is to subdivide the subject lands into eight (8) building lots for small lot single-family detached dwellings, having common access to Knox Avenue (see APPENDIX "B" attached).

***APPLICANTS:***

Ernie and Tom Schoenholz, owners.

***LOT SIZE AND AREA:***

The subject lands are irregular ("T" shaped) and have:

- 6.61m (21.7 ft.) of lot frontage on Knox Avenue;
- 32.0m (105.0 ft.) of average lot depth;
- 91.44m (300.0 ft.) of average lot width; and,
- 3,143.55m<sup>2</sup> (33,837.99 sq. ft.) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule A - Land Use Concept Plan of the Official Plan, and are subject to, among others, the following policies:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
  
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
  
- A.2.1.13      Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
  
- C.7.2      Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
  
- C.7.3      Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will: ...
  - iii)      Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;..."

The proposal conflicts with the intent of the Official Plan. However, should the application be approved an amendment would not be required.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Parkview West Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

### **COMMENTS RECEIVED:**

- The Building Department has advised that:
  - "1. Section 4(3)(b) of Zoning By-law 6593 prohibits the use of a building for residential purposes upon a lot which does not for a distance of 4.5 m (14.76') abut upon a public highway of a width of at least 12.0 m (39.37').
  2. The properties are located in a "C" zoning district and are subject to the following minimum requirements:

Lot Width	12.0 m (39.37')	Front Yard	6.0 m (19.69')
Lot Area	360.0 m <sup>2</sup> (3875.13 sq.ft.)	Side Yards	1.2 m (3.94')
Building Height	2 1/2 storey max.	Rear Yard	7.5 m (24.61')

The parking requirements of Section 18A of By-law 6593 shall apply. Subsequently the proposal submitted does not comply with the zoning requirements".

- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

Any works which may occur within the Knox Avenue road allowance must conform to the City of Hamilton Streets By-law.

We will make more detailed comments upon receipt of a site plan which should be a condition of rezoning."

In addition, verbal comments were provided as to the requirement of a modified subdivision agreement for the creation of four or more lots. An agreement would not be required with the City since matters such as lot grading, access, fencing, etc. could



be regulated by the Site Plan Control By-law. Easements in favour of the Region for services would be required over the common driveway.

Alternatively, the City may wish to assume the access as a substandard public road allowance, but this would require revision to the proposed site plan by reducing the depth of the northerly lots to accommodate an acceptable turning radius on the interior of the development.

- The Traffic Department has advised that:

"..we have reviewed the above-noted application and find it satisfactory subject to the applicant establishing legal access from each of the eight separate lots to Knox Avenue."

- The Hamilton Region Conservation Authority has no comments or objections.

#### **COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan. However, should the application be approved an amendment would not be required.
2. The proposal complies with the intent of the approved Parkview West Neighbourhood Plan.
3. Although the Department promotes and encourages "Housing Intensification" through initiatives such as infilling, the proposal cannot be supported for the following reasons:

##### **3.1 It conflicts with the intent of the Official Plan, in that:**

- it would not be in keeping with the established character and development pattern of the area which is characterized by standard single-family residential development. In this regard, only 10 of the 33 lots in the block bounded by Knox, Grace, Burgess and Glow Avenues have lot frontages comparable to the proposed lots (i.e. 25' - 27').

Furthermore, the proposed lot frontages are significantly smaller than those for "small lot single-family" development (minimum average 10 m or 32.8 feet).

By contrast, 20 or 60.6% of the lots in the block have frontages of between 35 feet and 50 feet, with the majority having frontages of 41 feet;

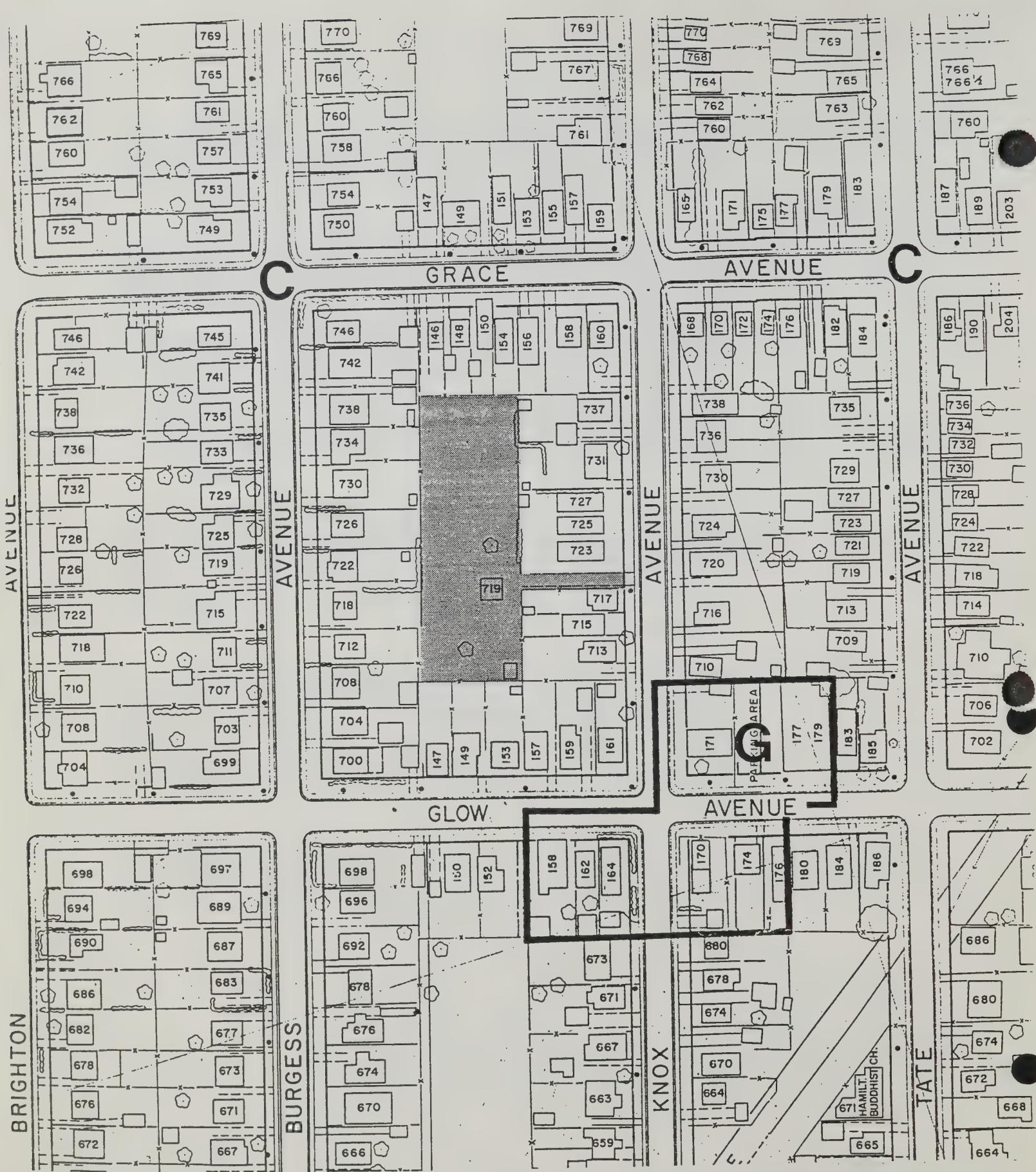
- it represents an over intensification of use and would be incompatible with surrounding development. Excluding the proposed 5.5 m driveway access from Knox Avenue, the subject lands have a lot area of approximately 1/2 acre. This would yield a density of 16 units per acre which is the equivalent of "townhouse" development (e.g. "RT-20" - Townhouses and Maisonettes). By comparison, the typical "C" (Residential - Single Family) District lots (i.e. 40 feet) would allow for a density of six to ten units per acre;
- the proposed density of development does not provide for sufficient spacing to maintain privacy, amenity and value. The four outside lots (see APPENDIX "B"), adjoin the rear yards of lots fronting onto Burgess and Knox Avenues while only providing for a minimum of a four foot side yard setback.

Typically, lots backing onto each other have minimum 25 foot rear yards for a minimum building separation of 50 feet. This ensures a minimum standard for maintaining privacy, amenity and value for each property. In addition, adjoining property owners would be negatively impacted by spill-over effects associated with traffic and parking;

- 3.2 approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law, and alter the character of the neighbourhood.

### **CONCLUSION:**

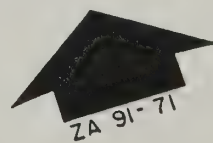
On the basis of the foregoing, the application should be denied.



Legend



Site of the Application











4.

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 January 28  
ZA-91-64  
Rymal Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a modification in zoning - 95 Unsworth Drive.

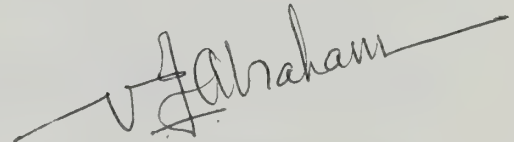
**RECOMMENDATION:**

That Zoning Application 91-64, Canadian Japanese Cultural Centre at Onteora, prospective owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit a cultural centre for property located at No. 95 Unsworth Drive, as shown on the attached map marked as "APPENDIX A", be DENIED for the following reasons:

- i) it conflicts with the intent of the "M" District Review which would permit such uses in the "M-12" and "M-13" Districts, in addition to the "M-11" District. Approval would undermine the findings of that study and encourage further applications of a similar nature;
- ii) it represents an over intensification of use in that eighty-eight (88) parking spaces are required, however only a maximum of 30 spaces can be provided on site. Approval of the application would result in parking "spillover" problems on surrounding properties;
- iii) the "M-14" Districts are located in the interior of the Park and primarily function as prestige industrial areas. The proposed use is not labour intensive, and therefore may jeopardize the role of the East Mountain Industrial-Business Park as an employment centre; and,

- iv) there appears to be an adequate supply of lands zoned "M-11,12 and 13" where the proposed use would be more appropriately located.

**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Background

The applicant is proposing to convert an existing industrial building for use by the Canadian Japanese Cultural Centre for cultural centre activities including martial arts classes, language classes, social gatherings, and alike. The prospective owner is presently a tenant of the Board of Education in a building at the north east corner of Upper Wentworth Street and Fennell Avenue, which lease expires on July 31, 1992.

- DA-87-78

On November 12, 1987 a Site Plan Application was approved for the subject lands for a one storey industrial building of approximately 782.0 m<sup>2</sup> (8417.65 square feet) and nineteen (19) parking spaces.

***APPLICANT:***

Canadian Japanese Cultural Centre at Onteora, prospective owner.

***LOT AND SITE AREA:***

The subject property has the following dimensions:

- an irregular frontage on Unsworth Drive of 25.382 m (83.27 feet) and 10.714 m (35.15 feet);
- a depth on the east side of 71.12 m (233.33 feet) and 78.357 m (257.08 feet) on the west side; and,
- a lot area of 0.256 ha (0.632 acre).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	construction shop and office	"M-14" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	home furnishings, lawn care, home building contractors office	"M-14" (Prestige Industrial) District
to the south	industrial including cabinet maker, consulting engineering office, dance studio and vacant units	"M-14" (Prestige Industrial) District
to the east	indoor miniature golf course, contractors office, retail frozen foods and vacant lands	"M-14" (Prestige Industrial) District modified and "M"-14 (Prestige Industrial) District
to the west	billboard advertising business	"M-14" (Prestige Industrial) District



**OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" of the Official Plan and are also within "SPECIAL POLICY AREA 11" on Schedule "B". The following policies apply, amongst others:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas...
  
- A.2.3.13      The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
  
- A.2.3.14      The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
  
- A.2.3.15      In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs, or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category.
  
- A.2.3.25      Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3."

The proposal to establish a cultural centre does not conflict with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The lands are designated "Restricted Industrial (M-14 and M-15)" in the approved Mountain Industrial Area Plan. The proposal does not comply with the approved Plan, however an amendment would not be required.

**COMMENTS RECEIVED:**

- The Hamilton Region Conservation Authority has no comment or objections.
- The Building Department has advised that:
  - "1. The Canadian Japanese Cultural Centre is considered a public use as an ethnic community association under S.I.C. #9861 - Civic and Fraternal Organization which is not permitted in an M-14 District....
  3. Any proposed signs shall conform to Section 17F(3) of Zoning By-law 6593.
  4. An amending Site Plan Control application may be required."

Subsequent comments advise:

"Based on the proposed floor plan...the use shall require a minimum of eighty-eight (88) parking spaces. The proposed parking lay out does not have any dimensions to determine compliance with the provisions of the By-law 6593. It appears by the previously approved site plan DA-87-78 that it will be impossible to provide the minimum 88 parking or even accommodate the 43 parking spaces indicated on the proposed lay out without infractions to the zoning requirements. The proposed use does not require any loading space."

- The Traffic Department has advised that:
 

"...we were prepared to support the application on the condition that the applicants demonstrate their ability to meet the parking and loading requirements of the Zoning By-law. The Building Department has now calculated those requirements to be 88 parking spaces and no loading spaces.

We estimate that, at best, the site could accommodate approximately 30 spaces or 34 percent of the required parking and that would be by implementing a one-way circular vehicular pattern which would not be entirely desirable. The applicant has stated that their daily present parking requirement rarely exceeds 25 cars. However, for the past week, we have driven by the applicant's present location and found that the 52 vehicle parking capacity of the lot has been exceeded and has probably resulted in parking on the neighbouring streets. The applicant has stated that the proposed new centre would be offering the same programs as the present centre thereby maintaining a consistent membership but we anticipate the new centre will generate a higher parking demand as it is less accessible by transit due to its more outlying location.

Based on the above, we feel there will be parking spillover. However, the neighbouring streets, i.e. Unsworth Drive, Hempstead Drive, Lancing Drive, do not allow parking on either side at any time. We feel this will result in either illegal parking and an enforcement problem or parking on adjacent private properties and consequent aggravation to abutting owners. Therefore, based on all of the above, we do not support this application."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public water mains and separate storm and sanitary sewers available to service these lands. Any works which may occur within the Unsworth Drive or Hempstead Drive road allowance must conform to the City of Hamilton Streets By-law.

We understand that any changes to the exterior of the building, parking and grading must be processed through site plan control application and we will provide further comments at that time."

- The Economic Development Department has advised that:

"Upon review of the application to modify the M-14 zoning, this department has specific concerns regarding this type of use in a business park. From a Business Development perspective it does not seem appropriate and realistically hard to categorize as an industrial or business use. In the application, the Canadian Japanese Cultural Centre also indicates they are creating seven jobs. Further information on this employment initiative would be of particular interest concerning the nature of the jobs. Therefore, at this time the Economic Development Department finds it difficult to support this application."



It should be noted that the applicant indicated, on the ECONOMIC FACTORS INFORMATION submitted with the application, that five jobs will be created by "renovations". It also showed an "X" under "Part Time" for "renovations" and "office employment". The applicant verbally advised that the people working at the cultural centre are volunteers and the only paid worker will be a janitor who would come two or three times a week.

- The Real Estate Department has advised that:

"Our department has no problems with the granting of the zoning application 91-64 for a modification to the M-14 (Prestige Industrial) district as submitted by the applicant."

### ***"M" DISTRICT STUDY:***

In 1991 a comprehensive study was undertaken of all the "M" Districts to develop an appropriate land use strategy to reflect the changing trends of the economy. The study findings recognized the need to be more adaptable to the economy without undermining the planning philosophy for the East Mountain Industrial-Business Park. The Park was designed to provide "business nodes" at the major intersections, wholesale/limited industrial functions along the arterial roads, and to preserve the interior for prestige industrial uses. While the study supports the introduction of specific commercial and office uses in the "M-12 and 13" Districts, it recognizes the importance of protecting the industrial lands in the "M-14 and 15" Districts for future development.

Specifically, the study recommends that the proposed use be permitted in the "M-12 and 13" Districts, in addition to the "M-11" District, where it is currently permitted. Presently, there are 1.2 ha (3 acres) of vacant zoned "M-11" District lands. In addition, there are a total of 44.1 ha (109 acres) of land vacant zoned "M-12 and 13" District. On this basis, there appears to be an adequate supply of vacant land presently zoned or, subject to the approval of the "M" District Review, lands which will be able to accommodate the proposed use.

Based on the foregoing, the review does not support the proposed use in the "M-14" District.

### ***COMMENTS:***

1. The proposed use does not conflict with the intent of the Official Plan.



2. The proposed use does not comply with the approved Mountain Industrial Area Plan, however an amendment to that Plan will not be required if the application is approved.
3. The proposed use cannot be supported for the following reasons:
  - i) it conflicts with the intent of the "M" District Review which would permit such uses in the "M-12 and M-13" Districts, in addition to the "M-11" District in which they are presently permitted. Approval of the application would undermine the findings of that study and encourage further applications of a similar nature;
  - ii) it represents an over intensification of use in that eighty-eight (88) parking spaces are required, however only a maximum of 30 spaces can be provided on site. As noted in the Traffic Department's comments, there is likely to be parking "spillover" on to adjacent properties,
  - iii) the "M-14" Districts are located in the interior of the business park and are primarily intended to function for prestige industrial purposes. The proposed use is not labour intensive, and therefore may jeopardize the role of the East Mountain Industrial-Business Park as an employment centre; and,
  - iv) there appears to be an adequate supply of lands zoned "M-11,12 and 13" where the proposed use would be more appropriately located. Presently, there are 1.2 ha (3 acres) of vacant zoned "M-11" District lands, and a total of 44.1 ha (109 acres) of "M-12" and "M-13" District lands. Furthermore, these figures do not include vacant buildings or units in the "M-11", "M-12" and "M-13" Districts which are numerous.

### ***CONCLUSION:***

On the basis of the foregoing, the application cannot be supported.

UPPER OTTAWA STREET

1429

U.C.

73

M-14

HEMPSTEAD DRIVE

1435

1441

1447

1453

44

15

M-12

53

40

41

42

43

45

10

9

8

55

75

56

61

45

70

08

06

011

37

36

35

40

30

20

34

33

32

61

81

41

31

M-14/S-1124

UNSWORTH DRIVE

DRIVE

HEMPSTEAD DRIVE

LANCING DRIVE

70

11

12

13

41

60

48

49

M-12/  
S-1136b

1515

46

M-12/  
S-1159

1527

Legend



Site of the Application



APPENDIX A



## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 January 29  
(ZA-91-80)  
Glenview East Neighbourhood

**REPORT:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification of zoning - Nos. 314 to 318 Queenston Road.

**RECOMMENDATION:**

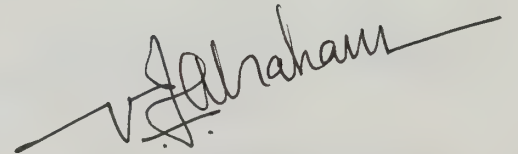
That Zoning Application 91-80, V. Baotic, Lessee, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard hall in the basement of the existing commercial plaza located at Nos. 314 to 318 Queenston Road, as shown on the attached map marked as APPENDIX "A" be DENIED for the following reasons:

1. It conflicts with the intent of the Official Plan and represents an over-intensification of use, in that adequate parking cannot be provided. Approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
2. It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.



3. It is an incompatible land use with the adjoining single-family dwellings to the south. Further, the subject lands are in close proximity to three schools with the closest being one block to the south.
4. Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.
5. It conflicts with Council adopted policy, in that a similar application (ZA-90-10) to permit a public hall (banquet hall), penny arcade and a billiard hall on the subject lands, as well as another similar application (ZA-91-11) to permit a billiard room on lands located at No. 324 Queenston Road were DENIED.

**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**

  
**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- **Zoning Application 90-10**

On March 21, 1990 the Planning and Development Committee adopted a recommendation to deny Zoning Application 90-10 for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a public hall (banquet hall), billiard room or penny arcade in the basement of the subject property. City Council, at its meeting of March 27, 1990, adopted the recommendation of the Planning and Development Committee.

- Ontario Municipal Board Appeal

The applicant appealed the decision of City Council to deny ZA-90-10. On June 18, 1991 an Ontario Municipal Board hearing was held to consider this matter at which time the Board reserved its decision. On August 9, 1991 the Ontario Municipal Board dismissed the appeal on the grounds that, "the requested extensions of uses to the subject site is not appropriate and it does not represent good planning".

- Zoning Application 91-11

At its meeting held on May 22, 1991, the Planning and Development Committee denied an identical zoning application to permit a billiard room on the ground floor of the existing building located at No. 324 Queenston Road. City Council, at its meeting of May 28, 1991, adopted the recommendation of the Planning and Development Committee.

- Currant Proposal

It is the applicants intention to convert the basement (4,614 sq.ft.) of the existing commercial building to be used as a billiard room.

- By-law 78-184

On July 28, 1978, City Council passed By-law No. 78-184 which removed, among other uses, a billiard room as a permitted use within the "H" (Community Shopping and Commercial, etc.) District. Billiard rooms existing at the date of passing of the By-law were allowed to continue under the By-law. The By-law received Ontario Municipal Board approval on April 6, 1979.

Public halls, billiard rooms, penny arcades, etc. were removed from the "H" District to provide a means of controlling this type of use, primarily in strip commercial locations normally situated in close proximity to established residential development where problems related to noise, nuisances caused by patrons , parking, loading, etc. are generated.

- Committee of Adjustment

At its meeting held on September 20, 1989 the Committee of Adjustment considered and approved Minor Variance Application A-250/89 to permit the establishment of a restaurant use within the existing strip plaza notwithstanding that:

1. access driveways to the parking area are as close as 0.0 m to the nearest residentially zoned lands instead of 30.0 m away; and,
2. a 1.5 m wide landscape strip will not be provided to Adain Avenue and Queenston Road.

***APPLICANT:***

Vladimir Baotic, applicant/lessee.

***LOT SIZE AND AREA:***

- 51.51 m (169.0 ft.) of lot frontage on Queenston Road;
- 28.65 m (93.99 ft.) average lot depth; and,
- 1,400 m<sup>2</sup> (15,500 sq.ft.) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	commercial strip plaza	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	commercial and single-family residential uses	"H" (Community Shopping and Commercial, etc.) District

to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	a single-family dwelling and commercial uses	"H" (Community Shopping and Commercial, etc.) District
to the west	public garage	"H" (Community Shopping and Commercial, etc.) District

### ***OFFICIAL PLAN:***

Designated "Commercial" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices and hotels, convention and entertainment facilities.
- A.2.2.14      The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i)      Ribbon Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity with some specialized commercial uses attracting automobile borne traffic from beyond the local area.
- A.2.2.19      Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
- A.2.2.34      Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:



- i) Access drive parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

The proposal conflicts with the intent of the Official Plan in that adequate parking cannot be provided on-site, and no mitigative measures are provided to adequately buffer the adjoining single-family dwellings to the south. However, if approved, an Official Plan Amendment is not required.

#### ***NEIGHBOURHOOD PLAN:***

A Neighbourhood Plan is not available for the Glenview East Neighbourhood.

#### ***COMMENTS RECEIVED:***

- The Building Department has advised that:

- "1. A billiard room is not permitted.
2. The existing one storey building floor area requires a minimum ten (10) parking spaces and one (1) 3.7 m x 9.0 m x 4.3 m loading space.
3. This building is considered a shopping centre and if the floor area of the cellar were to be included in the total floor area a minimum twenty-three (23) parking spaces and one 3.7 m x 18.0 m x 4.3 m loading spaces would be required.

4. If the proposed billiard room was considered an additional individual use the maximum capacity would be forty-six (46) persons which would require a minimum eight (8) parking spaces. This is based on a floor area of 428.64 m<sup>2</sup> (4614.0 square feet).
5. The existing parking area will only provide one (1) additional parking space.
6. The proposed parking space at the north-west corner is located in the required manoeuvring space of the existing parking space, therefore is not permitted.
7. It appears that the flower bed is located in the required manoeuvring space which is not permitted.
8. The required loading space is located in the rear yard. The proposed parking space in the rear yard would not be accessible at all times, therefore would not be permitted.
9. All parking spaces shall be located on the lot, therefore the proposed three (3) parking spaces located on the road allowance of Adair Avenue South are not permitted.
10. The property known as 222 Queenston Road is zoned "H" for a depth of 150.0' and the rear portion is zoned "C". No required parking spaces shall be located in the "C" zoning district.
11. The proposed four (4) parking spaces at 222 Queenston Road are not located on the same lot as the use and are located in the "C" zoning district, therefore are not permitted.
12. A visual barrier and a 1.5 m wide planting strip are required between the loading space and residential district to the south. It appears that the visual barrier and planting strip have not been provided and that if the planting strip were provided it would be insufficient in width."

- The Traffic Department has advised that:

"Evidence presented at the OMB hearing on ZA-90-10 showed that the existing situation requiring ten parking spaces and the addition of a billiard/pool hall would require an additional seven parking spaces. There is only enough room on-site for the present eleven parking spaces.

We do not recommend permitting a billiard hall to be established adjacent to a residential area without adequate parking being supplied and, therefore, do not support this application."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers on Adair Avenue South and public watermains and separate storm and sanitary sewers on Queenston Road available to service these lands.

Any works which may occur within the respective road allowances must conform to the City and Region's Roads Use By-Law.

It is unclear from the plans submitted by the applicant whether or not the applicant intends to use the boulevards within the road allowance for parking. We understand from the City of Hamilton Traffic Department that they have not received an application or granted approvals for boulevard parking. Any parking within the road allowance is contrary to the Region and City's Roads By-Laws."

- The City Licencing Administrator has advised that:

"With regard to your request for comments respecting the above application, I would advise that this department has concerns. I am aware that there are three schools near this proposed facility. As a general principle, I have concerns about any billiard hall locating near schools.

While application has not been made for an arcade (amusement machines), should the billiard hall be permitted, I believe a request for a further modification would be forthcoming. Notwithstanding my concern about an arcade, we experience problems such as complaints from parents and teachers about children being truant from school. Many of them are found in billiard halls.



We are currently experiencing such a problem with a billiard and amusement arcade across from Delta Secondary School. This has been an ongoing source of complaint and has resulted in our enforcement staff responding to many complaints.

Complaints about a drug and alcohol problem have been received in the past about the facilities across from Delta Secondary School, which the Hamilton-Wentworth Regional Police are investigating as well as our Licence Inspectors.

Should this application be approved, I have a great fear that the children will find this facility irresistible.

With so many school-aged children near the proposed facility, I anticipate problems in this regard.

In conclusion, this department does not support the proposed billiard hall."

- The Hamilton Board of Education verbally advised that they support the City's policy re: criteria used to evaluate the merits of permitting uses such as billiard rooms and arcades in close proximity to residential areas and school sites. They noted that at the present time Glenview Public School is not an active school, but is currently rented to the Hamilton Public Library for its interim use. A decision to close this school has not been considered. Viscount Montgomery School is still within the catchment area of the subject lands.

- The Hamilton Wentworth Separate School Board has advised that:

"The Board does not have any objections to a billiards hall in general; however, when they are located within close proximity to a school (elementary) certain precautions should be taken.

Billiard halls should be adequately supervised in order that children under the age of 16 are not allowed in the establishment during normal hours. Any curfews imposed by the City should also be enforced.

If there is co-operation between the owners and the neighbouring school regarding the above, than problems should be minimized."

- The Hamilton Region Conservation Authority has no comments or objections.



**COMMENTS:**

1. The proposal conflicts with the intent of the Official Plan in that adequate parking cannot be provided on-site, and no mitigative measures are provided to adequately buffer the adjoining single-family dwellings to the south. However, if approved, an Official Plan Amendment is not required.
  
2. The application cannot be supported for the following reasons:
  - i) it conflicts with the intent of the Official Plan, in that adequate parking cannot be provided on site. The billiard room would generate a need for a minimum of seven (7) additional parking spaces, whereas none can be provided. Approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area. In addition, no mitigative measures have been provided to adequately buffer the proposed billiard room use from the established single-family dwellings to the south of the subject lands;
  
  - ii) the proposal represents an over-intensification of use, in that adequate parking cannot be provided. In this regard, the Traffic Department has advised there is only enough room on-site for the present eleven parking spaces. Furthermore, they do not recommend permitting a billiard hall to be established adjacent to a residential area without adequate parking being supplied and, do not support this application;
  
  - iii) the proposal conflicts with the intent of By-law 78-184 which specifically excluded, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors such as noise from patrons, loitering, and spill-over effects associated with such uses (e.g. parking, headlight glare, etc.), on adjoining residential areas;
  
  - iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.
  
  - v) it conflicts with Council adopted policy, in that a similar application (ZA-90-10) to permit a public hall (banquet hall), penny arcade or billiard hall on the subject lands, as well as another similar application (ZA-91-11) to permit a billiard room on lands located at No. 324 Queenston Road were DENIED.

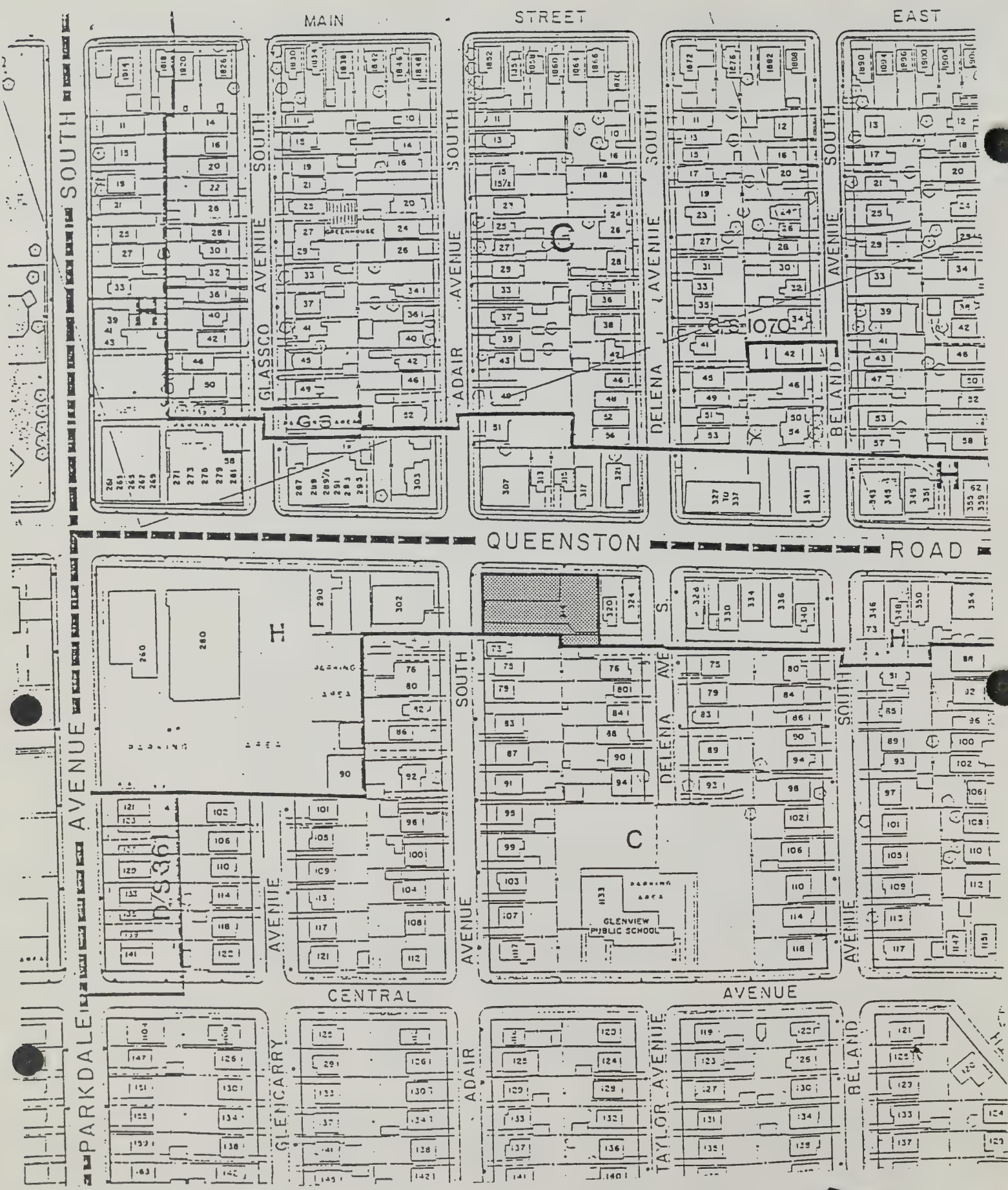
With respect to the parking deficiency, the applicant submitted a proposed parking layout (see APPENDIX "B") with the aim of providing additional parking. However, as noted by the Building and Traffic Departments, the proposed spaces do not comply with by-law regulations and cannot be supported due to problems with access, manoeuvring space, location, etc.

The applicant also proposed to lease 4 off-site parking spaces at No. 222 Queenston Road (Knights of Columbus). However, this arrangement is contrary to the Zoning By-law which requires parking to be provided on-site. Furthermore, it would be contrary to City practice and cannot be enforced as the lease could be broken at any time.

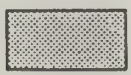
### ***CONCLUSIONS:***

On the basis of the foregoing, the application cannot be supported.

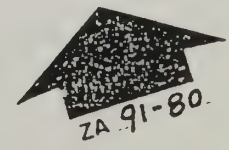
GAW/ma  
ZA9180



Legend



Site of the Application











5a

2A91-80

46 Adair S

Dear Sir or Madam

JAN 29 1992

JAN 29 1992

Regarding file 749180. To make  
it into a billiard <sup>room</sup> I strongly object  
for these reasons:

1 no parking -

2 There are already 2 Halls  
a short distance away on  
Parkdale Ave.

3 We already have to put  
up with enough loud shouting  
& noise on Thur Fri &  
week-ends from Boogies  
across the street.

Thank you  
Eileen Jacobs

"Copy sent to Victor Abraham, Director of Local Planning;  
and Patrice Johnson, City Solicitor - Law Department;  
- 1992 January 29".



ZA91-80  
Jan. 28/92

JAN 21 1992

JAN 23 1992

Copy sent to Victor Abraham, Director of  
Local Planning; and Patricia Mae Johnson,  
City Solicitor, Law Department

41 Helena Ave, S.

Hamilton, Ont

L841B7

56

Dear Sir

In answer to the  
proposed billiard hall  
at 314-318 Queenston Rd.  
It seems to me a good  
turned down it should  
stay down we signed  
once before against it  
why again there is  
no parking on Queenston  
Rd so where are they  
going to park all along  
Helena, Adair & Glasgow  
Ave we don't want  
any parking on Helena  
S. for any billiard hall



ZA91-80 (2)

JAN 21 1992

If they sell beer or  
liquor & they get drunk  
we are going to have to  
put up not only parking  
but noisy drunks as  
well so I say No to  
any billiard hall

2 Laurens Truitt  
Mrs Ruth W Crook  
41 Helena, Ave, S.  
Hamilton, Ont  
L8H 1B7

homeowner.



JAN 28 1992

5c

Jan 20, 1992

Allan Wylie  
724 Knox Ave  
Hamilton, Ont

Dear planning and Development Committee.

Thank You for your reply regarding lot No# 719 Knox Ave. I have signed along with my wife opposing the development of such lot. We have thought carefully about the plan, to be in all fairness, but can not come to agreement of developing lot No# 719 as outlined by E.T. Schaefer.

Our opposition is based on, that such a small lot containing any more than already established on lot No# 719, would cause great congestion to Knox Ave and our neighborhood. We are located directly across from No# 719 and have small children. We are already concerned about the traffic and speeding cars that use our street. With seven new homes under construction on lot No# 719, this would only add to our concern. Eight houses means at least, Eight more vehicles and possibly that or more pets to some or noise pollute our neighborhood. Another problem we foresee is that the road access to this development is far to small, only one driveway and without a sidewalk. This concern would see traffic build on Knox by cars waiting to enter lot No# 719, and possibly many guests of such a complex parking on Knox which already has a parking problem. My house has enough parking for three vehicles on my driveway when I have guests parking is scarce for them on Knox.



②

Jan 20, 1992

Allan Wylie

Mail is also a concern of ours, is this new development going to require a superbox, mailbox and if so where is it going to be located? There are already two Canada Post mail boxes on Knox and another would look congested.

Finally, would this benefit our street, No! would it help our equity No! would parking be worse Yes! and do our neighbors oppose Yes! and so do we.

Thank you  
Allan Wf.  
Claudine Wf.

45 Delena Avenue South  
Hamilton, Ontario  
L8H 1B7

1991 01 27

JAN 28 1992

5d

Secretary  
Planning and Development Committee  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Sir/Madam:

We are writing regarding the proposed modification to the H District regulations - property description Nos 314 - 318 Queenston Road, Hamilton.

There are several points of objection that we would like to bring forth:

1. the surrounding residents have, on at least one occasion, vetoed the same proposed plan.  
How often does this neighbourhood have to be subjected to the same petition?
2. our neighbourhood has a banquet hall at the corner of Beland and Queenston (one block east of the proposed site in question) and a bar and grill (in the block immediately to the west of the proposed billiard hall) - each of these establishments cause considerable disturbance to surrounding homes.
3. there is an arcade situated on Main Street, west of Kenilworth and across from Delta High School that has directly contributed to crime in that area. Both arcades and billiard halls attract the same type of clients. The Hamilton Spectator of October 1, 1991 - page one of the Metro Section has an article from which I quote.  
'Ward 4 Alderman, Dave Wilson said that recent problems with teens loitering outside the Main Street East arcade are the "final straw" for residents who want police patrols stepped up. Mr. Wilson said the arcade has become a late-night hangout for teens who routinely vandalise the area. Broken windows, parking lots strewn with beer bottles and other litter are common. I think that residents are fed up with what goes on there.'





4. there are 2 elementary schools in the immediate area as well as one secondary school, Sir Winston Churchill. The availability of a billiard hall to the High School would surely attract students.

Thank you for considering these objections. We sincerely hope that there will be no further need for us to be concerned about this or any future proposal regarding the same type of business at this address.

Sincerely

*Steve Kristoff*  
*Lorraine Kristoff*

Steve and Lorraine Kristoff  
45 Delena Avenue South  
Hamilton, Ontario  
L8H 1B7

PROPOSED CHANGE - MODIFICATION TO THE H DISTRICT REGULATIONS  
PROPERTY DESCRIPTION - NOS 314-318 QUEENSTON ROAD

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION

.....  
KRISTOFF STEVEN  
KRISTOFF LORRAINE  
45 DELENA AVE S  
HAMILTON ONT

L8H 1B7

.....  
FILE-2A91-80

SEQ-00081

JAN 28 1982

*Steve & Lorraine Kristoff*  
..... SIGNED

PLEASE DIRECT INQUIRIES TO  
PLANNING DEPT 546-4445



CANON HBL ADS  
CSIP4



J. J. SCHATZ  
CITY CLERK

**THE CORPORATION OF THE CITY OF HAMILTON**

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

PHONE (416) 546-2700  
FAX (416) 546-2095

URBAN MUNICIPAL

GOV. GOVERNMENT DOCUMENTS

**1992 February 13**

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1992 February 19**

**9:30 o'clock a.m.**

**Room 233, City Hall**

A handwritten signature in cursive script, likely belonging to Tina Agnello.

Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA:**

1. **CONSENT AGENDA**

2. **BUILDING COMMISSIONER**

2.1 **Commercial Facade Loan Programme  
640 Concession Street, Hamilton**





2.2 Hamilton Rehabilitation Loan Programme  
T. Dolan, 31 Frederick Avenue, Hamilton

3. **CITY SOLICITOR**

Second Phase Civic Square Ltd. - assignment of Ground Lease to  
Second Phase Enterprises Inc. and to Masbro Development Ltd.

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Response to the Commissioner of Planning and Development in Ontario (Sewell  
Commission) Goals

**10:00 O'CLOCK A.M. - NOT A PUBLIC MEETING**

5. Amended Zoning Application 91-40, Frank Toth, Tony DiFranco and Angelo Coca, owners, for a change in zoning from "AA" to "C" for property at Nos. 478 and 488 Rymal Road East; Chapple East Neighbourhood.

**ZONING APPLICATIONS**

**10:30 O'CLOCK A.M.**

6. Zoning Application 91-74, Sylvia Tofano, owner, for a change in zoning from "DE-2" to "H" for property at No. 809 Main Street East and No. 100 Barnsdale Boulevard; Stipeley Neighbourhood.
7. Zoning Application 91-77, ABD Technology Inc., owner, for a modification to the "M-14" District regulations for property at No. 55 Lancing Drive; Rymal Neighbourhood.
8. Zoning Application 91-84, Vittorio Ciardullo, owner, for a change in zoning from "B" to "C" for property at No. 66 Alderson Drive; Kennedy East Neighbourhood.

**10:45 O'CLOCK A.M.**

9. Zoning Application 91-52, Elio Borchetta, owner, for a modification to the "B-1" District regulations for property at No. 52 Heather Road; Corman Neighbourhood.
- (a) Submission - Ray Hanson, 7 Janet Court, Hamilton, L8E 4X8
- (b) Submission - Peter Enns, 306 - 494 Queenston Road, Hamilton, L8K 1J5



10. Amendment to the Official Plan and City Initiative 91-A for a general text amendment to the "M" District regulations of Zoning by-law No. 6593, for lands in the East Mountain Industrial-Business Park, No. 408 Cumberland Avenue and No. 467 Charlton Avenue East.
11. **OTHER BUSINESS**
12. **ADJOURNMENT**





## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed



<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting in 1992 February
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
ZA-91-54 276 Sanford Avenue North	1992 January 22	Planning	Tabled - upon the request of the applicant
1992 February 13			





**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 FEBRUARY 19**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 February 05.

**B. CITY SOLICITOR**

Expropriation - Offer of Compensation and Notice of Possession  
Property 217 Brant Street, Hamilton

**C. ROAD DEPARTMENT**

(a) Rushdale Manor Subdivision  
West Side of Upper Sherman Avenue,  
South Side of Ruby Street

(b) Lot Grading

**D. BUILDING COMMISSIONER**

(a) Demolition of:

(i) 539 Concession Street - Tag Number 85731

(ii) 1343 Upper Wellington Street - Tag Number 85770

(iii) 35 Aikman Avenue - Tag Number 85823

(b) Committee of Adjustment Fees



**E. COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Authorization for a Public Meeting for Carpenter Neighbourhood
- (b)
  - (i) Authorization to Hold an Information Meeting - 1992 City of Hamilton Municipal Housing Statement Update
  - (ii) Revised Work Plan - Implementation of Provincial Policy Statement, Land Use Planning for Housing
- (c) Site Plan Control Application 91-67 to amend DA-90-99, Taba Developments Ltd., owner, of land on the east side of Upper Ottawa Street, south of Stone Church Road East; Rymal Neighbourhood

**F. ACTING DIRECTOR OF PUBLIC WORKS**

- (a) Central/Beasley P.R.I.D.E.  
Housing Intensification Programme;  
Authorization to Hold a Public Meeting
- (b) Commercial Improvement Programme;  
Paving of Alleyways within International Village  
Business Improvement Area (B.I.A.)

**G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

1992 National Planning Conference; Washington, May 9-13, 1992





**D. ACTING DIRECTOR OF PUBLIC WORKS****(a) Barton General Business Development Improvement Area (BIA)  
Proposed 1992 Budget and Schedule of Payments**

As recommended by the Acting Director of Public Works in a report dated 1992, January 23, the Committee recommended to Council as follows:

- (i) That the 1992 operating Budget of the Barton General B.I.A. be approved in the amount of five thousand dollars (\$5,000.); and,
- (ii) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1988 to levy the 1992 Budget as referenced above; and
- (iii) That the Schedule of Payments for 1992 be as follows:

March	\$2,500.
August	\$2,500.

NOTE: Levy Arrears will be deducted from the last payment for 1992.

**(b) Revised 1992 - 1994 Board of Management for the Barton General Business Improvement Area (BIA)**

The Committee recommended to Council the following recommendation of the Acting Director of Public Works dated 1992 February 5 as amended:

- (i) That Schedule "A" of By-law Number 87-308, appointing the Ward Three Aldermen to the Barton General B.I.A. Board of Management, be repealed and the current Alderman's names be substituted: Alderman Drury and Alderman Morelli; and,
- (ii) That Schedule "B" of By-Law No. 87-308, as amended, appointing the Barton General B.I.A. Board of Management, be repealed and the following names substituted:

Fabio Chiappetta	Your Bakery
Marko Tollis	Riveria Banquet Centre
Nazir Hanhan	CanAm Mortgage
Paul Hamburgh	Creations Pastry Shop
Keith Cody	Cody's Wallcoverings
Rob Brooker	Gas Tank King
Joe Zidanic	Century Restoration
John Hilger	Ways to Wisdom
Peter Chant	Balloons and More
Ann Coward	Angelo's Place
Roger Dimeo	Dimeo Real Estate
Ron Stewart	Bank of Montreal
Sonya Hanhan	Sonya's Travel
John Stassis	Dr. Carburetor

- (iii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-Law No. 87-308 pursuant to (i) above.



A.

Wednesday, 1992 February 05  
10:15 a.m. O'clock  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

Also present: Alderman G. Copps  
V. Abraham, Planning Department  
P. Mallard, Planning Department  
L. King, Building Department  
P. Lampman, Building Department  
G. Aston, Regional Engineering Department  
A. Zuidema, Law Department  
T. Agnello, Secretary

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting of January 22, 1992 were adopted as amended to include the following:

Alderman Charters as being opposed to items 10 and 11.

To record the comments of Alderman Kiss and Alderman Cooke on item 10 as follows:

Alderman Kiss agreed with the Planning report and stated that the concerns of the Niagara Escarpment Commission and the Ministry of the Environment must be addressed. She also advised that industrial land within the City is in limited supply and, as such, these lands should be preserved as industrial. As Co-Chairperson of the Neighbourhood Plan Advisory Committee, she stated that the proposed residential development is inappropriate in an area bounded by a railway, golf course and public works yard.

Alderman Cooke concurred and added that it would not be prudent for the committee to delay making a decision if the consolidated hearings are not postponed as well.



**B. COMMISSIONER OF PLANNING AND DEVELOPMENT**

Site Plan Control Application DA-91-70 to amend DA-85-11 to include a pylon sign and site modifications to the existing Dundurn Inn at 149 Dundurn Street North

As recommended by the Commissioner of Planning and Development in a report dated 1992 January 3, the Committee recommended to Council as follows:

That approval be given to Site Plan Control Application DA-91-71 to amend DA-85-11 by Dundurn Inn Ltd., owners, of lands known as 149 Dundurn Street North to include a pylon sign and site modifications subject to the following:

- (a) modification to the plan in relation to notes, and dimensions as marked in red on the plan; and
- (b) approval by the Committee of Adjustment to permit a manoeuvring space aisle width of 5.5 m minimum, along the west wall of the building, instead of the required 6.0 m minimum.

**C. BUILDING COMMISSIONER**

- (a) **Demolition of 65 Oak Avenue - Tag No. 85645**

As recommended by the Building Commissioner in a report dated 1992 January 28, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 65 Oak Avenue.

- (b) **Demolition of 216 Welbourne Drive - Tag No. 85696**

As recommended by the Building Commissioner in a report dated 1992 January 28, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 216 Welbourne Drive.

**THE COMMITTEE MOVED TO ADD TO THE CONSENT AGENDA ITEMS C(c) AND C(d).**

- (c) **Demolition of 845 Rymal Road East - Tag Number 85783**

As recommended by the Building Commissioner in a report dated 1992 February 4, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 845 Rymal Road East.

- (d) **Demolition of 837 Rymal Road East - Tag Number 85782**

As recommended by the Building Commissioner in a report dated 1992 February 4, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 837 Rymal Road East.

(c) **Main Street West Esplanade Business Improvement Area (BIA)  
Proposed 1992 Budget and Schedule of Payments**

As recommended by the Acting Director of Public Works in a report dated 1992 January 23, the Committee recommended to Council as follows:

- (i) That the 1992 operating Budget of the Main Street West Esplanade B.I.A. be approved in the amount of four thousand dollars (\$4,000.); and,
- (ii) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217 of the Municipal Act, R.S.O. 1991 to levy the 1992 Budget as referenced in (i) above; and,
- (iii) That the Schedule of Payments for 1992 be as follows:

March	\$2,000.
August	\$2,000.

NOTE: Levy Arrears will be deducted from the last payment for 1992.

(d) **Revised 1992 - 1994 Board of Management for the Main Street West Esplanade Business Improvement Area (BIA)**

The Committee recommended to Council the following recommendation of the Acting Director of Public Works dated 1992 February 5, as amended:

That the following names be appointed to the Main Street West Esplanade B.I.A Board of Management:

Maria Farrugia	Calla Decor and Design
Joyce Morrison	The Royal Bank of Canada
Alice Perniac	Lorne Haverty Ltd.
Morley Barnard	Barnard Speziale Design Associates Inc.
Alderman T. Cooke	Ward One
Alderman M. Kiss	Ward One

(e) **Westdale Village Business Improvement Area (BIA) Proposed 1992 Budget and Schedule of Payments**

As recommend by the Acting Director of Public Works in a report dated 1992 January, 27, the Committee recommended to Council as follows:

- (i) That the 1992 operating budget of the Westdale Village B.I.A. (attached as Schedule "A" be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- (ii) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217 of the Municipal Act, R.S.O. 1991, to levy the 1992 Budget as reference (i) above; and
- (iii) That the Schedule of Payments for 1992 be as follows:

March	\$12,500.
August	\$12,500.

NOTE: Levy Arrears will be deducted from the last payment for 1992.

(f) **Revised 1992 - 1994 Board of Management for the Westdale Village Business Improvement Area (BIA)**

As recommended by the Acting Director of Public Works in a report dated 1992 January 23, the Committee recommended to Council as follows:

(i) That Schedule "B" of By-law 86-098, appointing Westdale Village B.I.A. Board of Management be repealed and the following names be substituted:

Albert Snow	Albert Snow Design
Cathy Young	Westdale Food Shoppe
Pat Hubbard	Copies Plus
Janet McDonald	C.I.B.C.
Reg Lahie	Jack Carruth Shoes
Cynthia Dika	The Colour Studio
John Sonke	Westdale Hardware
John Mouskas	New Village Restaurant
Adam Yoo	Grandma Lees
Gene Ditner	Cottage Florist

(ii) That the City Solicitor be authorized and directed to amend Schedule "B" of By-Law No. 86-098 pursuant to (i) above.

2. **OTHER BUSINESS**

The rules of order were suspended to hear items pertaining to other business.

2.1 **Committee of Adjustment**

The Chairperson suggested that members of the Committee of Adjustment to attend the Planning and Development Committee meeting to discuss amendments to the by-laws which are minor in nature.

Alderman Merling advised the Committee that anyone has the right to apply to the Committee of Adjustment for relief to the By-laws.

Alderman Kiss felt that some amendments have not been minor in nature.

**ZONING APPLICATIONS**

3. **Zoning Application 91-62, Truwan Holdings Limited, owner, for a change in zoning from "L-mr-1" to "G-3" for land in the area north of Eastgate Court and west of Centennial Parkway North; Kentley Neighbourhood**

Paul Mallard advised that of 179 notices sent, 15 replied in favour and 2 replied as opposed.

Tim Bullock was present on behalf of the applicant and advised that the Planning Department comments are acceptable.

As recommended by the Commissioner of Planning and Development in a report dated 1992 January 28, the Committee recommended to Council as follows:

A. That approval be given to Official Plan Amendment No. 106 for the establishment of a special policy area, to permit a parking area within the "Residential" designation for lands in the area north of Eastgate Court and west of Centennial Parkway North, and the City Solicitor be directed to



prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.

- B. That approval be given to Zoning Application 91-62, Truwan Holdings Limited, owner, for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "G-3" (Public Parking Lots) District, to permit a parking lot to be used in conjunction with commercial use located at 2444 - 2450 Barton Street East and 211 Centennial Parkway North for lands in the area north of Eastgate Court and west of Centennial Parkway North, as shown on the attached map marked as Appendix "A", on the following basis:
- (a) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "G-3" (Public Parking Lots) District;
  - (b) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
    - (i) that the parking lot shall only be accessory to the use of land located at 2444 - 2450 Barton Street East and 211 Centennial Parkway North;
    - (ii) That a planting strip of not less than 1.5m in width shall be provided and maintained along the westerly property line;
    - (iii) That a visual barrier not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the westerly property line.
  - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1260, and that the subject lands on Zoning District Map E-103 be notated S-1260;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
  - (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 106 by the Regional Municipality of Hamilton Wentworth;
  - (f) That the Kentley Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Commercial".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives Site Plan Approval, and registers the site plan on title.



4. **Zoning Application 91-71, E & T Schoenholz, owners for modification to the "C" District regulations for land municipally known as 719 Knox Avenue; Parkview West Neighbourhood**

Submissions in opposition were received from the following:

- (a) Allan and Claudine Wylie, 725 Knox Avenue, Hamilton
- (b) Glen D.C. Wood, 1158 Leaside Road, Hamilton

Paul Mallard stated that the application is to permit 8 single family lots on a 1/2 acre parcel of land on the interior of a city block. He advised that this request conflicts with Official Plan policies. It is not in keeping with the character of development in this area. The proposed frontages are approximately 26 feet whereas the majority of property frontages range from 35' to 50'. There is no provision for privacy spacing and there will be parking spillover effects. The proposed development would result in an overintensification of land use. 203 notices were sent to residents of which 7 have indicated they are in favour and 35 opposed.

Applicants Ernie Schoenholz of 30 Ward Avenue, Hamilton and Tom Schoenholz of 977 Mohawk Road East were present.

Tom Schoenholz stated the Province is presently promoting housing intensification and affordable housing. At present, there is a recommendation from the Province to allow 15 lots per acre in some circumstances. He advised that a 20' wide home can be built on a 26' lot. The existing services and infrastructures would be utilized. This is how affordable homes can be built.

He showed the Committee photos citing examples of townhouses and single family homes on small lots throughout the city.

Tom Schoenholz said that a letter was sent to all the neighbours advising them of the intention to build on the property. He is willing to put up a fence to provide privacy to the neighbours.

He concluded by stating that the profit on building at present is minimal. He is flexible and would be willing to create 6 lots with 35' frontages instead of 8 lots with 25 foot frontages.

The following people were present in opposition to the rezoning:

Robert Laurent, 717 Knox Avenue, Hamilton  
Mrs. McGregor, 737 Knox Avenue, Hamilton  
Allan Whylie, 724 Knox Avenue, Hamilton  
Christina Mercele, 710 Knox Avenue, Hamilton  
Kevin Fisher, 730 Knox Avenue, Hamilton  
Grace Lord, 717 Knox Avenue, Hamilton

They expressed the following concerns:

- invasion of privacy
- provincial guidelines regarding housing are not law
- no open space is considered in the proposal
- children presently use land for play area
- vehicle congestion and traffic
- poor access from narrow laneway
- decrease in equity of existing properties
- no provision for parking
- small substandard housing being proposed
- fencing of area
- provision for snow removal

Art Zuidema of the Law Department advised the Committee that there are concerns with the laneway access which is 21 feet wide. The municipality cannot assume a 21' laneway because it is considered to be substandard. Mr. Zuidema suggested that if the laneway is to be taken over by the municipality, it should be widened or the by-laws are to be amended to allow the City to take over a substandard roadway. There are serious concerns over whether the City is able to assume a substandard laneway at all.

Ernie Schoenholz stated that he and his brother are willing to work with the City to address access and traffic concerns. They would also be willing to reduce the amount of lots created from 8 to 6 and will provide 2 parking spots per lot and a visitor parking area. They would like to work with City staff to come to a compromise in order to build housing which will be affordable. He stated that development is barely a "break even" project.

Alderman Wilson submitted a petition opposed to the project signed by area residents. He is opposed to the development due to various concerns with regard to the proposed development.

Alderman Capps was of the opinion that the City would be liable for any problems resulting with the takeover of a substandard laneway. She supports staff and residents in their opposition to the proposed development.

Mayor Morrow suggested that the ward aldermen meet with the developers and residents to determine if a compromise can be reached.

After discussion, the Committee approved the recommendation of the Commissioner of Planning dated 1992 January 28 and recommended to Council as follows:

That Zoning Application 91-71, Ernie and Tom Schoenholz, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to permit the subdivision of lands municipally known as No. 719 Knox Avenue into eight (8) small lot single-family building lots, having common access to Knox Avenue, as shown on the attached map marked as Appendix "B" be denied for the following reasons:

- (a) the proposal conflicts with the intent of the Official Plan, in that:
  - (i) it would not be in keeping with the established character and development pattern of the area;
  - (ii) the proposed density of development does not provide for sufficient spacing to maintain privacy, amenity and value; and,
  - (iii) it represents an over intensification of use and would be incompatible with surrounding development;
- (b) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law, and alter the character of the neighbourhood.

5. **Zoning Application 91-64, Canadian Japanese Cultural Centre at Onteora, prospective owner, for a modification to the "M-14" District regulations for property at No. 95 Unsworth Drive, Rymal Neighbourhood**

Paul Mallard advised that the application is to allow a cultural centre on land which was under site plan in 1987 to allow industrial use. Presently, cultural centre use is permitted in an M11 district but there is a recommendation forthcoming to allow this use in M12 and M13 districts. There is not a demonstrated need to modify the M14 district to allow this use since there is an adequate supply of vacant lands for this use in the city.



With regard to traffic and parking, Mr. Mallard advised that at maximum 39 spaces can be provided on the property and since 88 spaces would be required, there would be spillover parking to other properties.

Of 103 notices that were sent, 6 replied in favour of the proposal and 1 opposed.

Paul Kewa, solicitor on behalf of the applicant stated that the area is 2 buildings removed from the M12 district. Therefore, a modification would not change the nature of the site. He stated that the Canadian Japanese centre is a non-profit organization and that they have been looking for a place for several years. This place is most affordable.

He explained that during the week, 25 to 30 parking spaces will be required for the attendants of classes. At present, the lot can accommodate up to 50 spaces with the removal of docks. He has approached the owners of property to the west and north of the proposed centre and is confident that a parking arrangement can be reached.

Mr. Kewa stated that there are only 2 or 3 large functions per year requiring more than 30 spaces being a bazaar, Monte Carlo and retirements.

Alderman Charters was generally in support of the proposal. Alderman Merling concurred and added that it is impossible to get 88 parking spaces on the lot even if it is vacant. A modification to the M14 district to reduce parking requirements should be drafted.

Paul Mallard advised that approval should be subject to site plan control regarding parking.

Contrary to the recommendation of the Commissioner of Planning in a report dated 1992 January 28, the Committee recommended to Council as follows:

A. That approval be given to Zoning Application 91-64, Canadian Japanese Cultural Centre at Onteora, prospective owner, for a modification to the "M-14" (Prestige Industrial) District regulations to permit a cultural centre for property located at No. 95 Unsworth Drive, as shown on the attached map marked as "Appendix C" on the following basis:

(a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 17F(1)(a) of By-law No. 6593, the following Public use shall be permitted:

S.I.C. Identification Number

Permitted Use

9861

Civic and Fraternal  
Organization

(ii) That notwithstanding Clause 3(c) of Table 1 of Section 18A of By-law No. 6593, a minimum of 30 parking spaces shall be provided and maintained on site;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,

- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of an amended Site Plan for the parking area.

6. **Zoning Application 91-80, V. Baotic, lessee for a modification to the "H" district regulations for property at Nos. 314-318 Queenston Road (Red Hill Plaza); Glenview East**

Submissions in opposition were received from the following:

- (a) Eileen Jacobs - 46 Adair Street South, Hamilton
- (b) Ruth V. Crook - 41 Delena Avenue South, Hamilton
- (c) Steve and Lorraine Kristoff, 45 Delena Avenue South, Hamilton

Paul Mallard provided a brief history and stated that in 1978 City Council passed a by-law to delete nuisance uses in the H district. The present proposal conflicts with the Official Plan and is incompatible in existing uses. Seven additional parking spaces are required, and it is in close proximity to 3 schools. Of 230 notices that were circulated, 7 were in favour and 46 opposed.

Vladimir Baotic, applicant, stated that the billiard business will be predominantly used in the late afternoon and evening. He felt that parking is not a problem and that a flower bed could be removed to provide extra spaces. The basement was constructed with the purpose in mind of using it as a hall and billard area.

He advised that the business would be under his control. \$600,000 has been lost in this development and he now wants to protect the interests of the investors. If tenants are not found to fill the spaces, the bank will foreclose.

Mr. Merusiac of 89 Delena Avenue was present in opposition to the billiard use. He was frustrated that this application is before the Committee since the Ontario Municipal Board has already denied similar applications to develop this strip plaza. He was concerned about traffic spillover in the residential area. He advised that the basement area was excavated without first obtaining a permit.

As recommended by the Commissioner of Planning in a report dated 1992 January 29, the Committee recommended to Council as follows:

That Zoning Application 91-80, V. Baotic, Lessee, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard hall in the basement of the existing commercial plaza located at 314 to 318 Queenston Road, as shown on the attached map marked as Appendix "D" be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan and represents an over-intensification of use, in that adequate parking cannot be provided. Approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- (b) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, public halls, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.
- (c) It is an incompatible land use with the adjoining single-family dwellings to the south. Further, the subject lands are in close proximity to three schools with the closest being one block to the south.



- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.
- (e) It conflicts with Council adopted policy, in that a similar application (ZA-90-10) to permit a public hall (banquet hall), penny arcade and a billiard hall on the subject lands, as well as another similar application (ZA-91-11) to permit a billiard room on lands located at 324 Queenston Road were denied.

7. **OTHER BUSINESS**

7.1 **Home Occupation Use**

Alderman Merling requested the Planning Department to review the possibility of including some new occupation uses as allowable in the City Zoning By-law.

The Committee resolved that Planning Department staff review the issue of Home Occupation Use and report back.

7.2 **5% Land Dedication Information Report**

Alderman Eisenberger commended staff on the report prepared by the Building Department dated 1992 January 24, which states that changes are only to be applied to unserved lots.

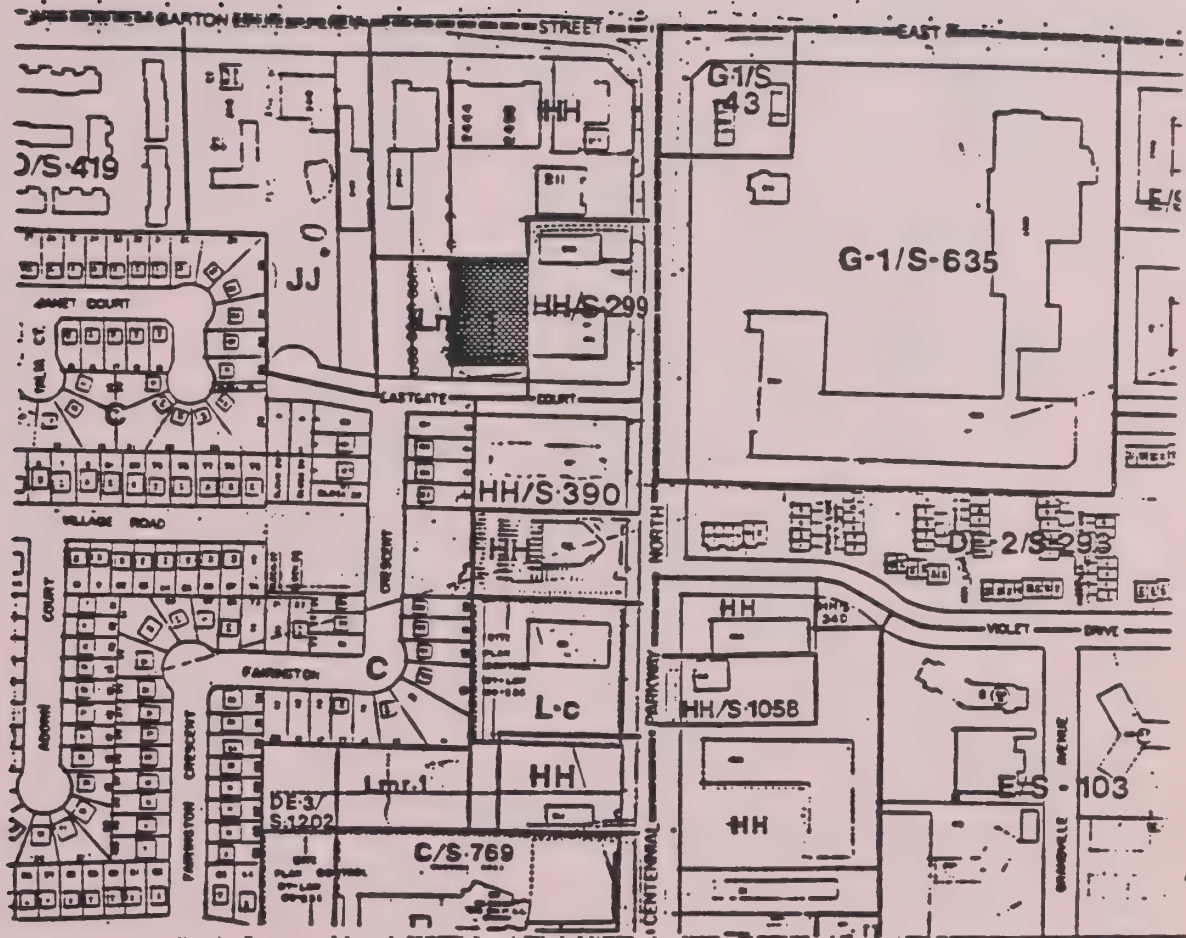
8. **ADJOURNMENT**

There being no further business, the Committee meeting then adjourned.

**Taken as read and approved,**

**ALDERMAN DON DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello  
Secretary  
1992 February 14**



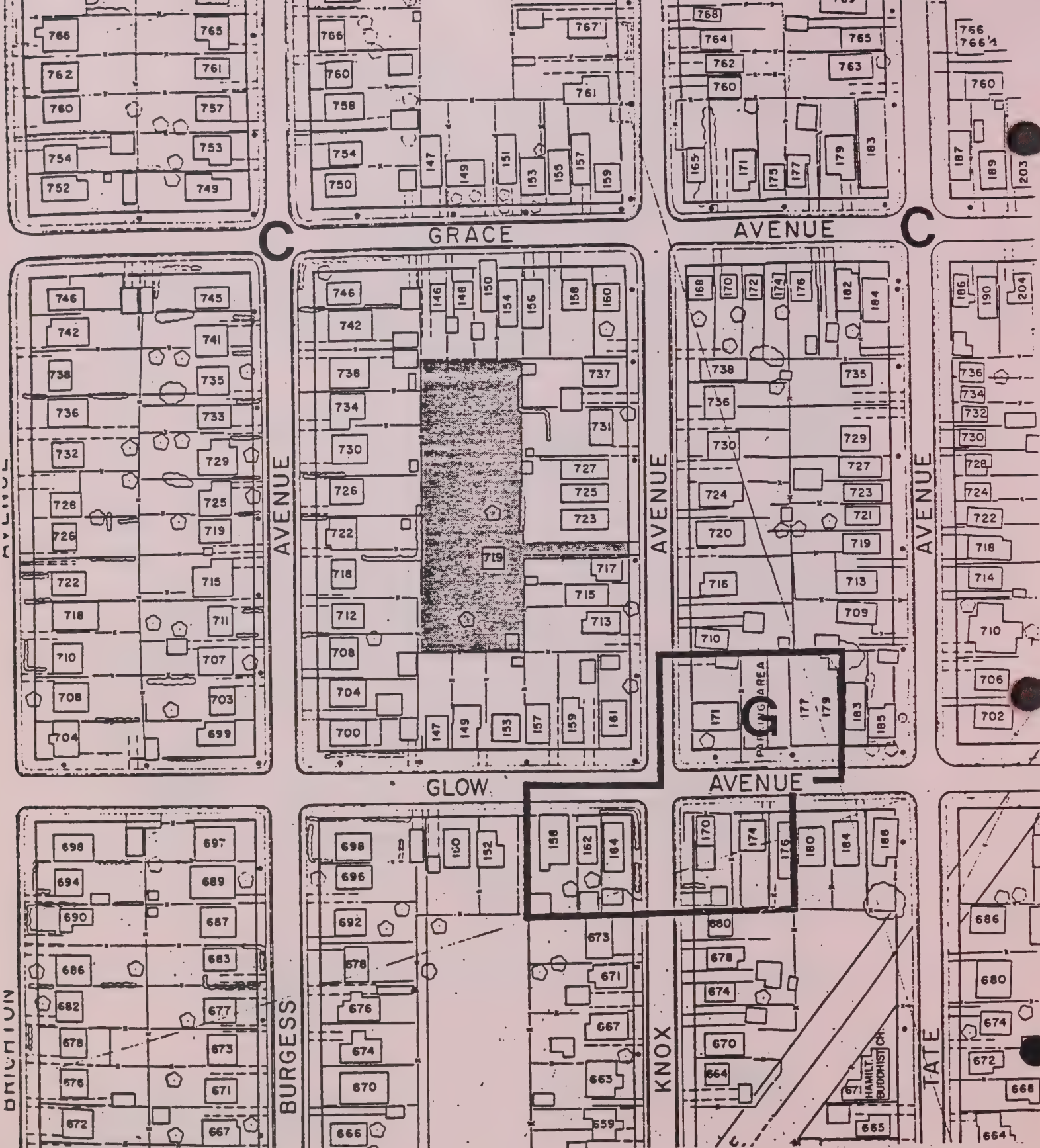
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**Site of the Application**



**Appendix "A" as referred to  
in Section 3 of the minutes  
of the Planning and Development  
Committee meeting of 1992 February 05**

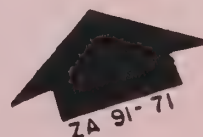


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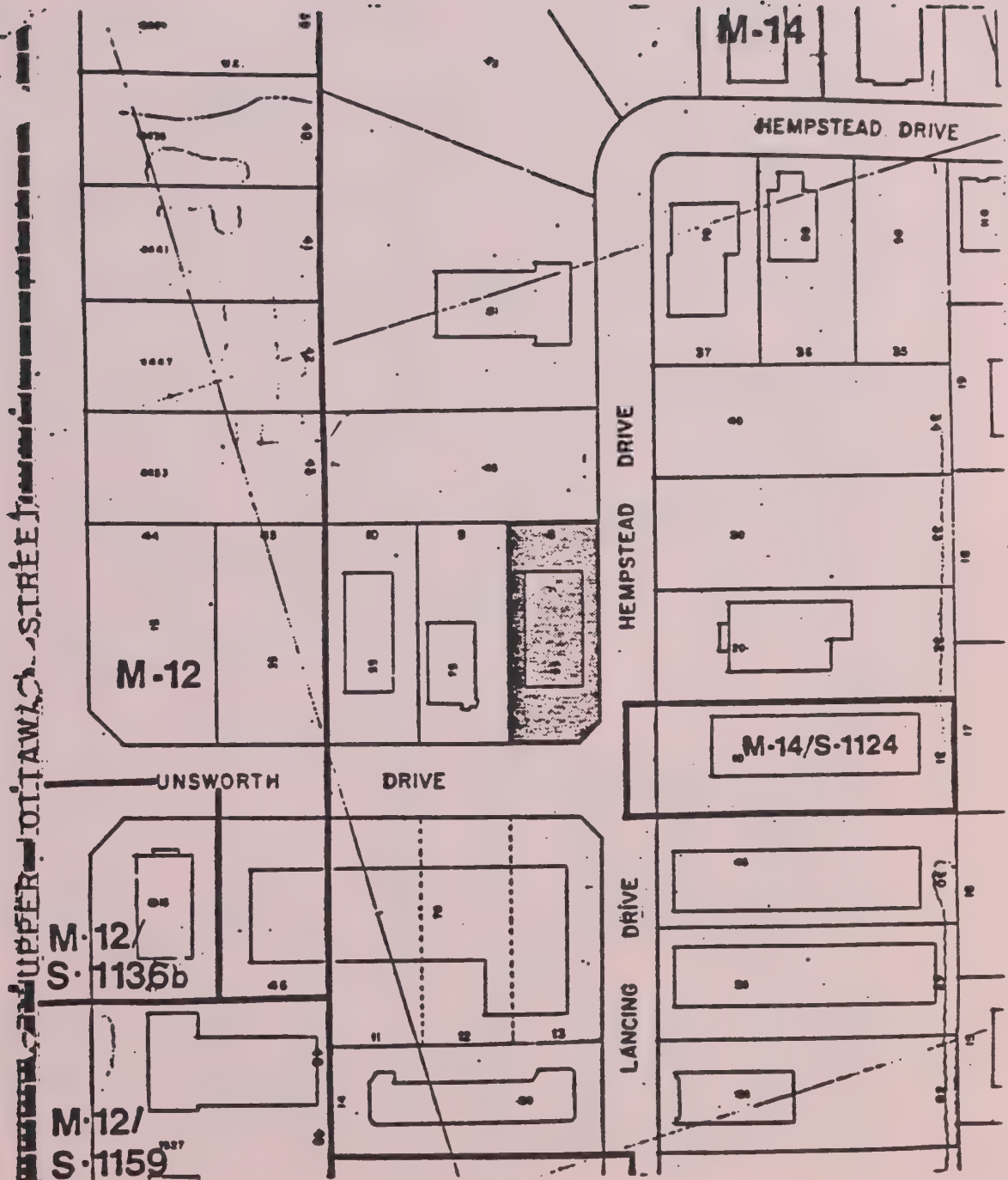
Site of the Application

Appendix "B" as referred  
to in Section 4 of the  
minutes of the Planning  
and Development Committee  
meeting of 1992 February 05



APPENDIX A





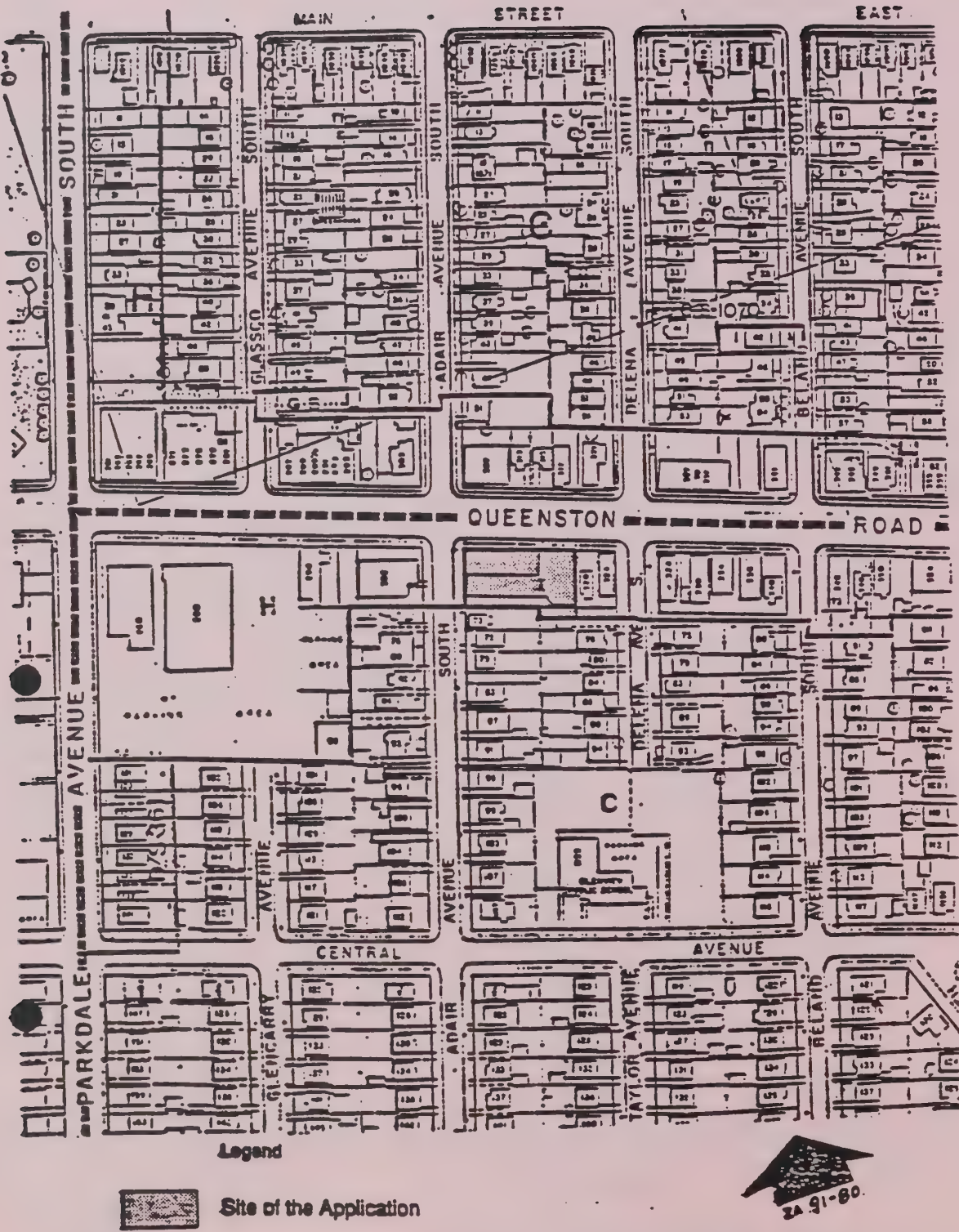
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Site of the Application







B.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 11

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** P. Noé Johnson  
City Solicitor

**SUBJECT:** Expropriation - Offer of Compensation and Notice of Possession Property  
217 Brant Street, Hamilton.

**RECOMMENDATION:** That with respect to the residential land expropriated by  
Expropriation Plan 79835 registered April 9, 1991, for purposes pursuant to Expro-  
priation By-Law 91-043 enacted on March 12, 1991, the City Clerk is authorized and directed

(a) Sign and serve Notice in accordance with Section 39 of the Expropriation Act,  
1990, C. E-26, that possession of the expropriated land is required;

(b) Sign and serve Offers of Compensation in accordance with sec. 25 of the  
Act for the expropriated land as follows:

\$71,000.00 - Former Owners - Fedele Intini/Josephine Mary Zarz

  
P. Noé Johnson

**FINANCIAL IMPLICATIONS**

There are sufficient funds in Account No. CF 5590 308750  
Clearance Program account.

**BACKGROUND:**

This land was expropriated by the City's Expropriation  
Law 91-043, enacted on March 12, 1991.

Under The Expropriation Act, in order to acquire the land,  
City is required to make an Offer of Compensation and then  
take possession.

Copies of an independent appraisal, prepared  
dated September 27, 1991, which valued the land for the  
Offer of Compensation. The said Offer was  
recommended by the Director of the Finance Department.



Ca)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

FEB 10 1992

**DATE:** 1992 February 4  
S718-57 P. Strong

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** Rushdale Manor Subdivision  
West Side of Upper Sherman Avenue,  
South Side of Ruby Street

**RECOMMENDATION:**

- a) That the subdivision agreement between 810379 Ontario Inc. and the City of Hamilton registered as Instrument No. 255517 L.T. regarding the "Rushdale Manor" Subdivision, Registered Plan 62M-620, be amended by an amending agreement in a form satisfactory to the Law Department, including the following changes:
- i) That paragraph 2 of Schedule "J" be deleted;
  - ii) That paragraph 2 of Section XVI - Development Charge at page "ix" be deleted;
  - iii) That reference to Section XVI(2) be deleted from Section XVIII(2) - Financial Arrangements and that the deposit requirements of that Section be reduced accordingly by \$5,775.00;
  - iv) That the sum of \$5,775.00 being an estimated amount of potential Development Charges for development upon land adjacent to Lots 1 to 8 inclusive on the plan be refunded by the City without interest to 810379 Ontario Inc.; and
  - v) That the amending agreement be registered in the Land Registry Office for Hamilton at the expense of the developer, 810379 Ontario Inc.

  
\_\_\_\_\_  
E. M. Gill, P. Eng.

Cont'd...



-Page 2-  
February 4, 1992

**Rushdale Manor Subdivision  
West Side of Upper Sherman Avenue,  
South Side of Ruby Street**

Cont'd...

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

This re-payment of estimated Development Charges received by the City in 1989 is recommended because this amount was pre-paid by the property owner in anticipation of immediate development of the adjacent land. Due to a change in market circumstances, the owner does not now intend to develop the land and requests re-payment of the pre-paid Development Charges. The City will collect Development Charges on the subject land, as usual, at the time of issuance of building permits when development commences.



PS:kk

cc: Treasury Department, Att: D. Cobb  
cc: Law Department, Att: A. Zuidema

C b)

FEB 13 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 13  
E205-05 C. A. Unelli

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** Lot Grading

**RECOMMENDATION:**

- a) That the City Modified Subdivision Agreement be revised in a form satisfactory to the City Solicitor to include the existing grading policy established in 1988 for subdivisions, as set out in Sections II, VIII and Schedule "D" of the City's Subdivision Agreement, and that \$2,000 per lot be retained in the form of a letter of credit as security in the event that the grading is not completed as planned.
- b) That the land owners who currently have completed Modified Subdivision Agreements that have not been executed and returned to the City prior to the adoption of this resolution, be advised that they have fifteen (15) working days following the adoption of this policy to submit their executed documents; otherwise, the Modified Subdivision Agreements will be revised to include the grading provisions.

  
\_\_\_\_\_  
E. M. Gill, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There will be an increased cost to the applicant of approximately \$400 - \$600 per lot related to the preparation of an overall grading plan and detailed grading plans(s), inspection by the Building Department, and the issuance of a grading certificate by the developer's engineer.

Cont'd...

## **Lot Grading**

Cont'd...

As the costs of grading a lot would range between \$1000 and \$2000, it is proposed that a letter of credit in the amount of \$2000 per lot be retained as security, to be used if the grading is not completed as planned.

There are no significant increases in costs with respect to staffing.

### ***BACKGROUND:***

At the present time, the City enforces lot grading control for lands developed by draft plan of subdivision and where lands are under site plan control. There are no provisions to control grading of lands developed by land severance.

A Modified Subdivision Agreement is already required by the City when four or more lots are created by land severance. It would be advantageous to include the existing grading policy, developed for subdivisions and adopted in 1988, into this agreement since we have recently had land severances creating up to twenty (20) lots. The existing grading policy for subdivisions could be implemented without difficulty for these larger severances.

The costs to the applicant would increase by approximately \$400 - \$600 per lot for the preparation of an overall grading plan, detailed grading plans, inspection by the Building Department, and certification by the developer's engineer. A letter of credit should also be retained from the applicant in the amount of \$2,000 per lot in the event the works are not completed.

CAU:kk

cc: Treasury Department, Att: Mr. R. Hammel  
cc: Law Department, Att: Ms. P. N. Johnson  
cc: Land Division, Att: Mr. T. D. Amy  
cc: Building Department, Att: Mr. L. C. King

CITY OF HAMILTON

Da) i)

**- RECOMMENDATION -**

FEB 11 1992

**DATE:** 1992 February 10

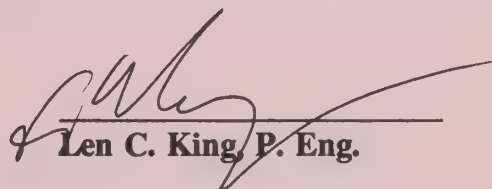
**REPORT TO:** Miss Charlene J. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
539 Concession Street - Tag Number 85731

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 539 Concession Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "H" (Community Shopping and Commercial, etc.)

**PRESENT USE:** Two Dwelling Units, Two Offices and a Bank

**PROPOSED USE:** Parking Lot

**BRIEF DESCRIPTION:** Two storey brick veneer building in good condition

It is the intention of the owner to relocate the existing Royal Bank located at 539 Concession Street into the vacant two storey building directly to the east, municipal number 555 Concession Street (formerly "Longo's Supermarket"). This building at 555 Concession Street will contain doctors' offices on the second floor and the Royal Bank on the first floor. The reason for the move is to create more parking for the bank which is much needed. The owner also obtained the services of an Architect to look into the feasibility of renovating the existing building that now contains the bank. It was found that it would be uneconomically feasible to do so.

Lot Size: 44.00' x 118.00'



**The owner of the property as per the demolition permit application is:**

**Globe Realty Holdings Ltd.  
Real Estate Resources  
3380 South Service Road  
Burlington, Ontario L7N 3J5**

**c.c. 92.2.4.2.1.A**

**CITY OF HAMILTON**

Da) ii)

**- RECOMMENDATION -**

FEB 11 1992

**DATE:** 1992 February 10

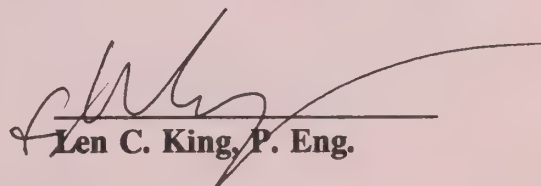
**REPORT TO:** Miss Charlene J. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
1343 Upper Wellington Street - Tag Number 85770

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 1343 Upper Wellington Street.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "AA" (Agricultural District)

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Vacant Land

**BRIEF DESCRIPTION:** One storey protected frame dwelling. Exterior of dwelling needs some repairs to siding, eavestrough and rear enclosed porch. Dwelling is in fair condition.

It is the intention of the owner to demolish the existing building due to the numerous incidents of people breaking into the dwelling and vandalizing the building. Also the purpose of these lands are to be used in conjunction with adjoining lands for a future senior citizens residence.

Lot Size: 64.00' x 672.00'

Continued on Page Two .....

The owner of the property as per the demolition permit application is:

Bethel Gospel Tabernacle  
1355 Upper Wellington Street  
Hamilton, Ontario L9A 3S8  
Attention: Mr. David Newell

Telephone Number: 387-6530

c.c. 92.2.4.2.1.A

**CITY OF HAMILTON**

Da)iii)

**- RECOMMENDATION -**

**DATE:** 1992 February 12

**REPORT TO:** Miss Charlene J. Coutts, Secretary  
Planning and Development Committee

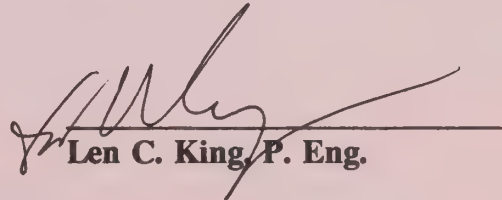
**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
35 AIKMAN AVENUE - Tag Number 85823

FEB 12 1992

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 35 Aikman Avenue.

  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "E/S-1201" (Multiple Dwelling, Lodges, Clubs, etc.) Modified

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Six Storey Sixty-Three Unit Multiple Dwelling

**BRIEF DESCRIPTION:** Two and a half (2½) storey brick veneer dwelling in poor condition

It is the intention of the owner to demolish the existing single family dwelling so as to allow the construction of the proposed development as noted above. The owner has obtained a building permit for the proposed development. Lot Size 124.36' x 136.00'

The owner of the property as per the demolition permit application is:

Good Shepherd Non-Profit Homes Inc.  
135 Mary Street  
Hamilton, Ontario L8N 3R1  
Attention: Hanne Card  
Telephone Number: 528-9109





FEB 12 1992

D b)

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1992 February 6

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee


**FROM:** L.C. King, P. Eng.,  
Building Commissioner  
Building Department

**SUBJECT:** COMMITTEE OF ADJUSTMENT FEES

**RECOMMENDATION:**

That effective March 30, 1992 By-Law No. 87-350 prescribing a tariff of fees in relation to administrative costs be appropriately amended to establish a schedule of fees in relation to types of applications made to the Committee of Adjustment as follows: -

	1991 Current Fee	1992 Recommended Fee
Variances or Permission (1 and 2 family units)	\$250.00	\$190.00
Variances or Permission (all other)	\$250.00	\$500.00

  
L.C. King, P. Eng.,  
Building Commissioner  
PF/LCK/ggf

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The new schedule of fees should result in a 30% increase in revenue based on a historic mix of residential, commercial and industrial applications.

The Committee approved the request and directed that members of the Planning Department, and the Ward Aldermen together with Planning Initiatives Ltd. undertake the review of the Carpenter Neighbourhood.

The Planning staff assisted in preparing the Background Information report. The proposed plan and documents as prepared by the consultants have been reviewed by City and Regional Departments, Public and Separate School Boards, Ontario Hydro and other major landholders.

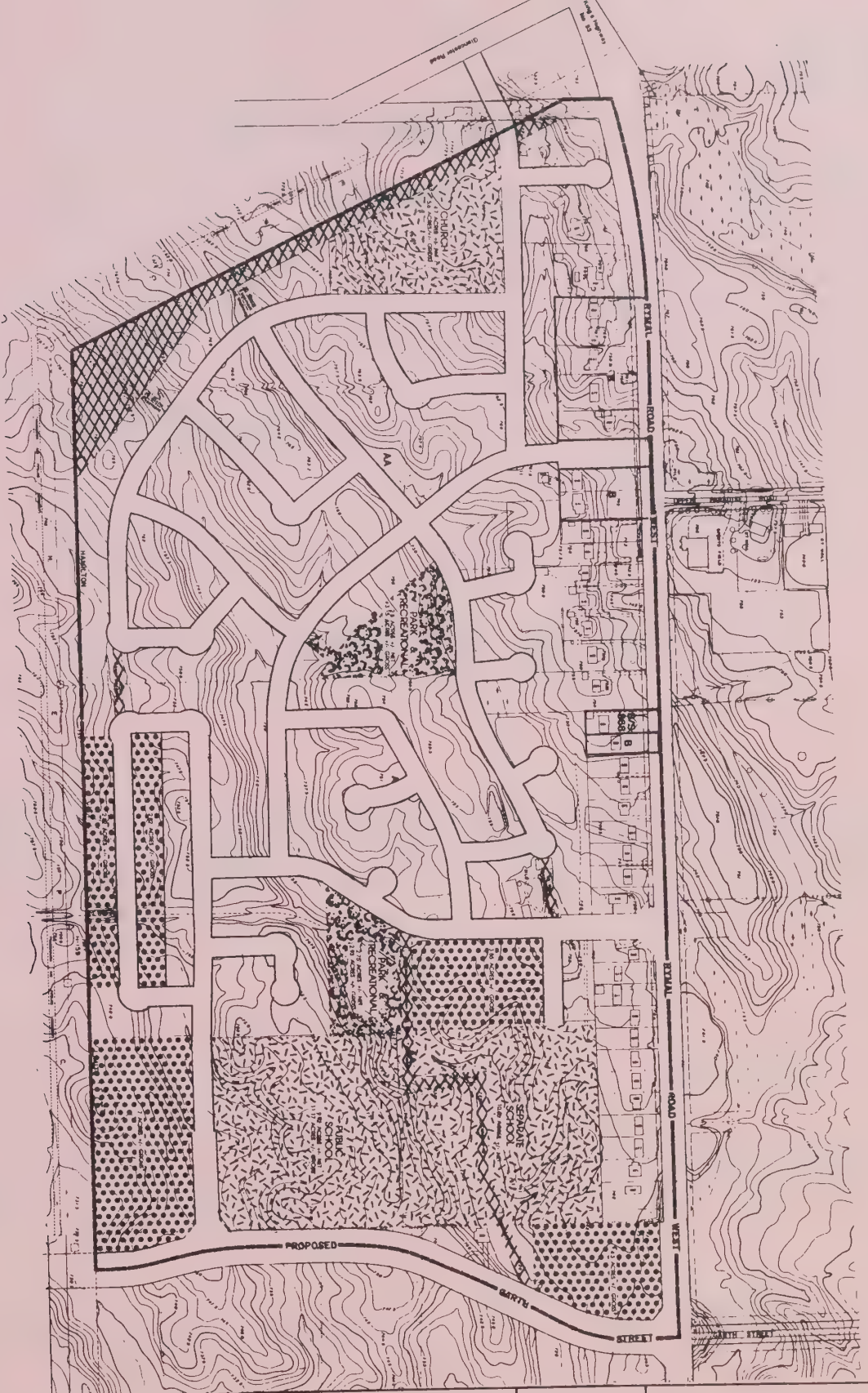
Sewers are available to enable the Carpenter Neighbourhood to be opened up for urban development.

### ***CONCLUSION***

A public meeting should be held to obtain input from affected citizens prior to a report being taken to the Planning and Development Committee for final recommendations.

GG/dkp:ns

A:\CARPENTE.



City of Vancouver  
Map Information Services

# 1988 POPULATION 253

## LEGEND

- Sewer Easement
- Possible Future Roads

## LAND USE

- Single and Double Attached Housing
- Civic and Institutional
- Park and Recreational
- Utilities

- Neighborhood Boundary
- Zoning Boundary
- Plan Center Boundary
- Land Map Amendment
- Appropriate Planning Act Council

## CARPENTER PROPOSED PLAN



Prepared by the City of Vancouver Planning Department  
Map Information Services





E b7i)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**FEB 12 1992**

**DATE:** 1992 February 11  
(P5-4-2-17)

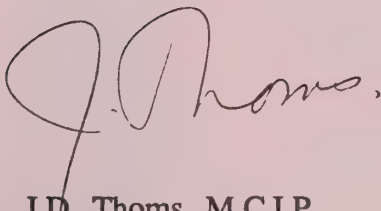
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J.D. Thoms  
Commissioner of Planning and Development

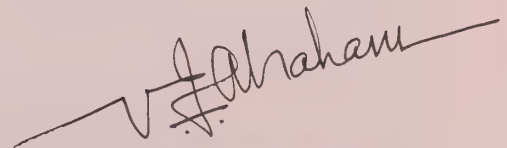
**SUBJECT:** Authorization to Hold an Information Meeting - 1992 City  
of Hamilton Municipal Housing Statement Update

**RECOMMENDATION:**

That the Planning and Development Committee give authorization to hold an information meeting to consider the recommendations contained in the draft report entitled 1992 City of Hamilton Municipal Housing Statement Update, attached as Appendix A.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

A Municipal Housing Statement (MHS) Update establishes the direction of a municipality in regard to the provision of all forms of housing in a community. The City of Hamilton's MHS Update is funded in part by the Ontario Ministry of Housing and adheres to Provincial guidelines in regard to reviewing housing market trends and preparing housing production targets. The draft 1992 City of Hamilton Municipal Housing Statement Update is comprised of two volumes:

- ° Executive Summary - the Hamilton Housing Strategy contains recommendations that address a number of housing issues and concerns that are evident in Hamilton (attached as Appendix A); and,
- ° Technical Background Volume - contains a description of recent housing market trends in Hamilton, outlines the results of the Assisted Housing Survey, projects future housing demand in Hamilton and reviews the requirements of the Provincial Policy Statement Land Use Planning for Housing (this volume is available from the Planning and Development Department).

The completion and Council adoption of the 1992 Municipal Housing Statement Update is the second step of a three-step process of responding to the requirements of the Provincial Policy Statement Land Use Planning for Housing. The Policy Statement was approved by the Provincial Cabinet on July 13, 1989 and outlined a number of requirements for municipalities in Ontario in regard to the provision of housing. The Housing Intensification Strategy, adopted by Council in June, 1991, was the City's first step in responding to the requirements of the Provincial Policy Statement. The remaining work in regard to implementing the requirements of the Provincial Policy Statement pertain to streamlining of the planning approvals process and establishing housing market monitoring procedures.

An information meeting will allow both the general public and interested organizations the opportunity to examine the 1992 Municipal Housing Statement Update; written submissions will also be requested. The report will also be circulated to housing-related organizations such as the Metropolitan Hamilton Real Estate Board, the Social Planning and Research Council, the Hamilton & District Home Builders Association and the Housing Help Centre.

After receiving and incorporating the various comments in the documents, the 1992 City of Hamilton Municipal Housing Statement Update will formally be presented to Planning and Development Committee for adoption.

KE/

# 1992 City of Hamilton Municipal Housing Statement Update

## Executive Summary

Prepared By:

Local Planning Branch  
Planning and Development Department  
Region of Hamilton-Wentworth

February, 1992





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### **1.0 CITY OF HAMILTON - MUNICIPAL HOUSING STRATEGY**

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## 1.0 CITY OF HAMILTON - MUNICIPAL HOUSING STRATEGY

### 1.1 Background

A Municipal Housing Statement (MHS) establishes the direction of a municipality in regard to the provision of housing in a community. As part of the 1992 City of Hamilton Municipal Housing Statement Update, an assessment of housing market conditions and recent trends is provided as well as a projection of future housing demand within Hamilton. Essentially, a Municipal Housing Statement represents the housing goals and objectives of a municipality and outlines a strategy by which these goals and objectives are to be achieved.

A companion document to the Executive Summary entitled Technical Background Volume, contains a detailed discussion of housing market trends, a discussion of the Provincial Policy Statement Land Use Planning for Housing and its applicability in Hamilton, and a projection of future housing demand in Hamilton.

### 1.2 Introduction

The provision of housing fulfils both significant social and economic objectives in Ontario and Hamilton; it is therefore not surprising that debate on any housing issue contains a variety of philosophical positions and usually becomes unnecessarily complex. By all accounts, the vast majority of Canadian households are more than adequately housed and do not have a housing affordability problem. Recognizing the fiscal constraints affecting all levels of government, housing programs and actions must be directed at those individuals most in need of housing assistance.

Since the completion of the last Municipal Housing Statement in 1983, the housing market in the City of Hamilton has experienced a great deal of activity. The latter half of the 1980's was a period of significant housing demand in Hamilton and throughout southern Ontario. The number of new housing starts increased, rental apartment vacancy rates declined to levels close to zero percent, house prices recorded large increases, housing became "unaffordable" for a greater number of households and the number of people on waiting lists for social housing expanded.

In response to the housing market trends evident in this period, the Provincial Government issued the Land Use Planning for Housing Policy Statement in July, 1989. Under the Planning Act, municipalities "shall have regard to" Provincial policy statements "in exercising any authority that affects any planning matter." The intent of the Policy Statement was to direct municipalities to address the land use planning concerns associated with the provision of all forms of housing. Specifically, the Land Use Planning for Housing Policy Statement required municipalities to:

- Provide for a continuous 10 year supply of serviced residential land;
- Examine opportunities for streamlining the planning approvals process;

- ° Provide for a range of housing types including at least 25 percent of new residential development for "affordable" housing (defined in 1991 as ownership housing not exceeding \$147,000 in price and rental housing not exceeding \$810 per month in rent);
- ° Identify areas within the community appropriate for residential intensification initiatives;
- ° Undertake on-going monitoring of housing market trends and determining the constraints in regard to the provision of "affordable" housing.

Although the requirements of the Provincial Policy Statement appear quite onerous, the City of Hamilton is in a unique position of having already met or exceeded most of the Provincial requirements through its own initiatives and undertakings. These initiatives include:

- ° Maintaining a more than adequate supply of residential land that supports a broad mixture of dwelling types (in excess of a 14 year supply);
- ° Streamlining the planning approval process in the City and the Region by shortening some of the timing components as stipulated in the Planning Act (Hamilton Official Plan Amendment No. 15, approved by the Minister in October, 1984);
- ° Supporting the approval of a variety of "affordable" housing developments (there are several dwelling forms being marketed presently in Hamilton that fall within the 1991 affordable housing guideline of \$147,000 in addition to a sizeable number of assisted housing developments for the rental sector);
- ° Maintaining flexible land use planning and zoning by-law regulations that respond to changing housing demands in the new home marketplace (there has been increased usage of the "R-4" - Small Lot Single/Semi-Detached zoning district in the past 18 months as well as an increased number of plans of subdivision and zoning applications proposing townhouse units and apartments); and,
- ° Preparing a comprehensive strategy dealing with the issue of residential intensification that has been adopted by City Council in June, 1991. The strategy included increased promotion of various forms of residential intensification including conversions through as-of-right provisions.

As a result of the Policy Statement, the City examined local housing issues in greater detail. As well, the Policy Statement served to raise the level of community awareness of local housing concerns. This is certainly beneficial as local responses to community housing concerns are the most effective way of resolving these issues. The Regional Chairman's Task Force on Affordable Housing is an example of the community interest in local housing issues and the City of Hamilton has participated actively in the development of the Task Force recommendations and strategy.



### 1.3 Housing Market Trends

During 1991, housing market conditions in Hamilton changed significantly compared to the late 1980's. As shown in Figure 1 below, housing affordability for the ownership sector has improved as a result of lower house prices and falling mortgage interest rates. Further, rental apartment vacancy rates have increased to more competitive levels; this allows prospective renters a greater degree of choice and selection (Figure 2).

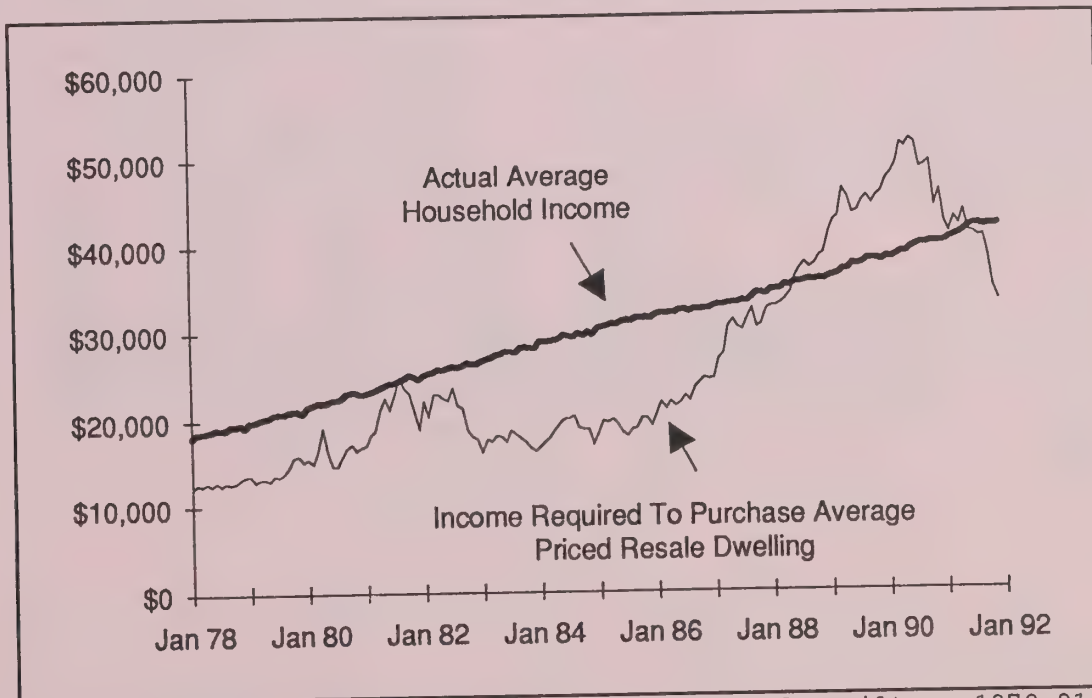


Figure 1 Home Ownership Affordability, City of Hamilton, 1978-91

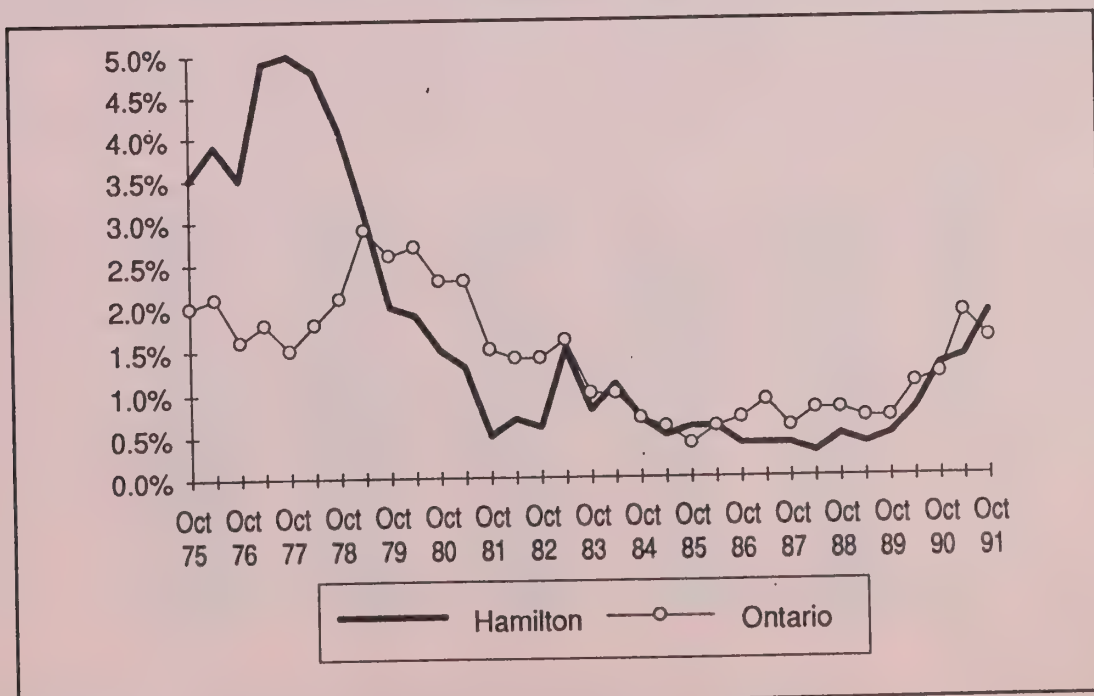


Figure 2 Rental Apartment Vacancy Rates, 1975-91



In 1991, a total of 971 housing starts were recorded by Canada Mortgage and Housing Corporation, the lowest level since 1984 when 651 starts were recorded (Figure 3). The slowdown in the private new home market was particularly evident in 1991 as 62.6 percent of housing starts in Hamilton were accounted by the construction of social housing projects.

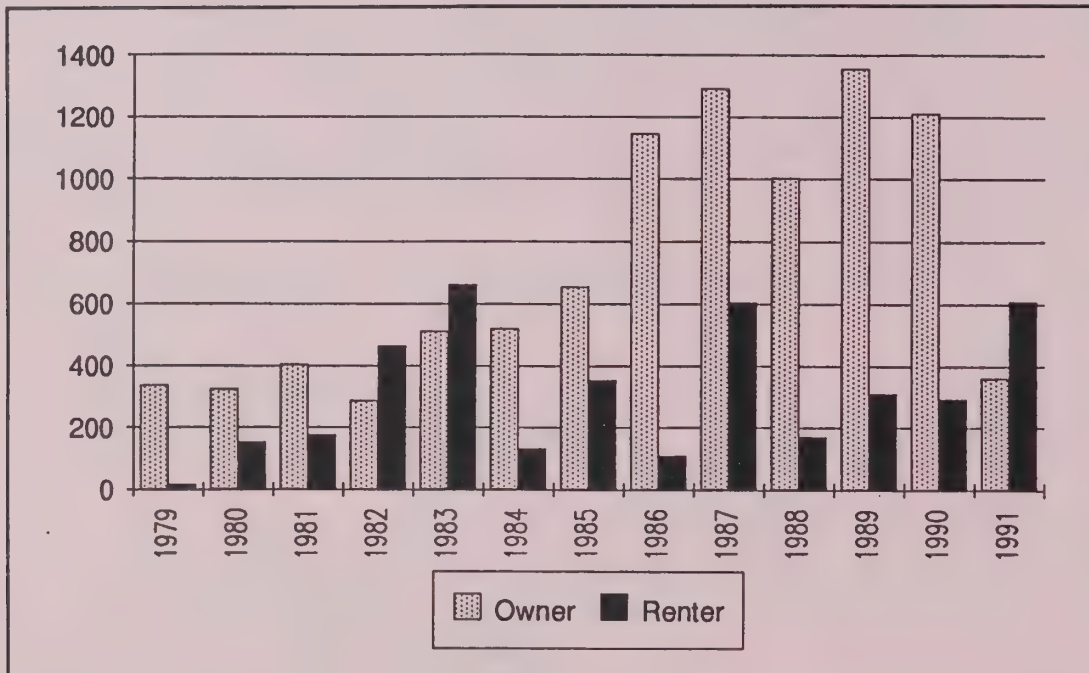


Figure 3 Dwelling Starts in Hamilton by Tenure, 1979-91

Housing market dynamics are driven to a major extent by demographic trends. One important demographic trend that affects housing demand is the number of persons in a household. Similar to other municipalities in Ontario, there has been a steady increase in the proportion of one-person households in Hamilton since the 1950's (Figure 4). This trend of an increasing proportion of smaller households is projected to continue through the 1990's.

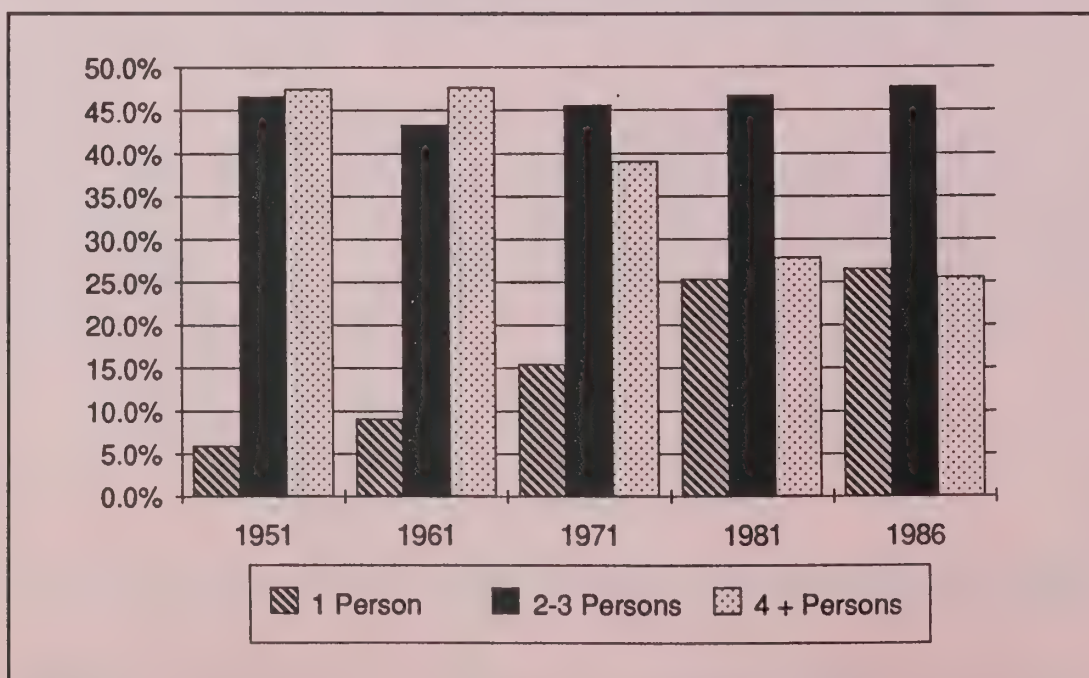


Figure 4 Distribution of Hamilton Households by Number of Persons

For households with the financial means to afford private market housing in Hamilton, the market changes that have occurred in 1991 are ideal. This is particularly true for first-time homebuyers wanting to enter the ownership market and for households seeking to move into a rental unit.

However, additional efforts are still required to address the most persistent and critical form of housing need in Hamilton - the needs of the homeless or street people, individuals with "special needs" (people who require housing assistance in tandem with social support services) and renter households with chronically low incomes (households with less than \$15,000 in annual income [1991 dollars]).

These households are extremely vulnerable to changing economic conditions and can literally be on the verge of homelessness at times. These individuals and households experience a very high incidence of housing affordability problems and have little or no choice in regard to "affordable" housing options in their community other than through access to assisted or social housing.

All levels of government need to recognize the critical housing needs in our society and allocate appropriate resources. What is needed, above anything else, is a conscious recognition that it is these people who are literally living on the street that have the greatest relative housing need in our communities. Ideally, this recognition should be accomplished through the creation of a comprehensive housing policy by both senior levels of government that recognizes and outlines the role of the private sector, government, and the scope of programmatic initiatives in the housing market.

Municipalities have a very important role to fulfil in achieving these broader aims. Although their fiscal resources and jurisdictional powers are limited, they are the level of government that can best articulate the housing needs of their community, identify emerging housing concerns and respond in a cohesive, efficient and cost-effective manner. The City of Hamilton has assumed a proactive role in regard to housing initiatives. In the 1950's, the City of Hamilton through the Hamilton Housing Company sponsored the construction of senior citizen apartments; and in 1985, the City fostered the establishment of the Municipal Non-Profit (Hamilton) Housing Corporation. This role should continue as real gains have been made in the community to ensure all Hamilton residents are adequately housed.

In broad terms, the Hamilton Housing Strategy seeks to ensure local housing issues receive the necessary attention from the Provincial and Federal Governments and other housing market participants. As with any housing strategy, co-operation, co-ordination and partnerships are the three key elements that effectively mobilize a municipality's involvement in the housing field. The City of Hamilton cannot do it alone; other municipalities, Hamilton residents, community agencies, the private homebuilding and development industry and, most importantly, senior levels of government need to participate with the City in a concerted and cohesive way to address housing problems within Hamilton.

## 1.4 Housing Targets

The establishment of housing targets indicate the scope and type of new housing development a municipality wants to achieve over a specified time period. As noted in Section Four of the companion document Technical Background Volume, the annual housing targets over the period 1991-1996 reflect an increased commitment to respond to the unmet housing demand for assisted or social housing units in Hamilton; this is represented by the "non-market housing" figures. In addition, the private sector "market housing" targets are flexible, recognizing the unpredictability of market forces.

The City of Hamilton housing production targets below are consistent with the Regional housing production targets adopted by the Region of Hamilton-Wentworth in the report Regional Housing Statement Update, 1990.

### Recommendation One:

*The following annual average new housing production targets be adopted for the time period 1991-1996 for the City of Hamilton:*

	<u>Market Housing</u>	<u>Non-Market Housing</u>	<u>Total</u>
Single-Detached	570	0	570
Semi-Detached	45	0	45
Row/Townhouse	51	73	124
Apartment	88	394	482
Total	754	467	1,221

*Further, these production targets be evaluated on annual basis.*

### Recommendation Two:

*The following annual average new housing production targets for market housing (i.e., private sector initiatives) be adopted for the time period 1996-2001 and 2001-2006 for the City of Hamilton:*

	<u>1996-2001</u>	<u>2001-2006</u>
Single-Detached	465	350
Semi-Detached	25	5
Row/Townhouse	10	0
Apartment	60	175
Total	560	530

*Further, these production targets be evaluated as additional data sources become available (i.e., the 1991 Census of Canada).*



Targets for non-market housing have not been delineated in Recommendation Two because of the uncertainty of government fiscal commitments for social housing over a longer time horizon. Further, the market production targets in Recommendation Two should be considered as preliminary recognizing the inherent uncertainty of preparing long-term housing demand projections.

Recommendation Three:

*The City of Hamilton and the Municipal Non-Profit (Hamilton) Housing Corporation, in cooperation with other local social housing producers, undertake an aggressive lobbying campaign to inform the Federal and Provincial Governments of the significant and diverse unmet need for new assisted housing units in Hamilton.*

**1.5 Provincial Policy Statement - Land Use Planning for Housing**

Although the Policy Statement has been criticized as a document reacting to Toronto Area housing problems, as a designated priority area the City of Hamilton must meet the stipulated requirements. As noted in Section Three of the companion document Technical Background Volume, one purpose of the City's MHS Update is to provide the necessary background review and analysis of the various policies which would assist in the actual implementation of the Policy Statement. As a result of this review, a number of actions can be implemented.

In addition, the Housing Intensification Strategy adopted by City Council on June 25, 1991 (Item #21, Report of the Planning and Development Committee), contained a recommendation that stated "appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use". Another recommendation of the Strategy stated "Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement".

Accordingly, a number of Official Plan text changes can be implemented and other measures instituted which indicate Hamilton's commitment to meet the spirit of the Policy Statement and the approved recommendations of the Housing Intensification Strategy.

Recommendation Four:

*Delete clause C.7.3 from Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan and replace with the following:*

7.3 *Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:*

- i) *Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;*



- ii) *Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;*
- iii) *Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;*
- iv) *Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;*
- v) *Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;*
- vi) *Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;*
- vii) *Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;*
- viii) *Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-Law;*
- ix) *Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;*
- x) *Encourage the development of a range of RESIDENTIAL care and short-term facilities in all areas of the City through appropriate recognition in the Zoning By-Law;*
- xi) *Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area; and,*
- xii) *Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.*

Recommendation Five:

*Delete clause C.7.4 from Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan and replace with the following:*

- 7.4 Council will on an annual basis monitor and review housing market trends, the types and prices of new housing production, the supply of designated residential land by planning status and levels of housing affordability with a view to revising priorities and/or identifying POLICY changes in order to better achieve housing production targets.

Recommendation Six:

*Add the following clause to Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan as clause C.7.5 and renumber existing clauses C.7.5 through C.7.19.:*

- 7.5 Council will encourage at least 25 percent of new RESIDENTIAL development in the City to be "affordable", consistent with Provincial Government definitions of housing affordability. This is to be achieved on a municipality-wide basis and reflected in the Neighbourhood Planning process. Accordingly, the range and type of new RESIDENTIAL development will be evaluated annually to determine consistency with Provincial Government criteria for "affordable" housing.

Recommendation Seven:

*Add the following clause to Subsection C.7 - Residential Environment and Housing Policy of the Official Plan as clause C.7.6:*

- 7.6 Council recognizes the importance of ensuring a sufficient supply of land for residential use. Accordingly, Council will ensure a minimum ten-year supply of residential land is maintained at all times as well as a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision.

Recommendation Eight:

*To facilitate enhanced monitoring of new housing production and compliance with the provisions of the Policy Statement Land Use Planning for Housing, applicants/ proponents seeking approval for a plan of subdivision, a re-zoning application (including an Official Plan Amendment), or a site plan application will be requested to complete a "Housing Information Sheet". This Housing Information Sheet will detail the type of residential dwelling units to be constructed, the likely tenure of the development and the anticipated selling prices and/or market rents of the proposed dwelling units.*

### Recommendation Nine:

*With a view to achieving increased liaison with homebuilders, social housing providers, real estate representatives and other government officials, the City of Hamilton co-ordinate an annual "Hamilton Housing Market Workshop". The objective of this workshop will be to assess current housing market trends and conditions and discuss the City's previous years housing targets in light of actual production levels.*

*In addition, the Planning and Development Department prepare an annual monitoring report describing housing market conditions and trends in the City of Hamilton over the preceding 12 month period with a particular focus on trends within the "affordable" housing sphere of the marketplace.*

## **1.6 Local Housing Initiatives**

Sections Two and Three of the companion document Technical Background Volume identified a number housing market concerns and issues specifically affecting Hamilton households. The most effective response to local housing concerns is for the City to assume the role as "initiator", in terms of identifying the scope of issues and outlining possible ways of addressing the problem. Therefore, other organizations or agencies can seize upon the City's initiative and begin to work in partnership to implement pragmatic solutions.

One such concern is the general aging of the population and the financial difficulties experienced by senior citizen owner households on fixed or reduced incomes. One option of alleviating these cash flow constraints, that has been common in British Columbia for a number of years and has been recently introduced in Toronto, is the reverse mortgage. A reverse mortgage allows a homeowner to use the equity in their dwelling as a financial base for monthly annuity payments which would supplement other income.

### Recommendation Ten:

*Based on the experience of other financial institutions in Canada, the City of Hamilton liaise and encourage local financial institutions to investigate the feasibility of introducing some type of reverse mortgage financial instrument for Hamilton senior citizen homeowners.*

Homelessness in Canada's metropolitan areas is a complex issue. Its causes are often difficult to quantify and require a careful and sensitive review of the local circumstances that create or exacerbate homelessness within a community. Hamilton is not immune to the problem of homelessness and evidence suggests the number of homeless individuals has increased markedly over the past five years.



**Recommendation Eleven:**

*A working group be established comprised of representatives from housing advocacy groups, the Municipal Non-Profit (Hamilton) Housing Corporation, staff from appropriate municipal departments and the Regional Food and Shelter Advisory Committee to prepare a report to City Council on the nature of the homelessness problem in Hamilton. The report should quantify the extent of the homeless population in Hamilton and outline possible municipal strategies and responses and actions required by the Federal and Provincial Governments.*

**Recommendation Twelve:**

*The Municipal Non-Profit (Hamilton) Housing Corporation continue the development of non-profit projects for low-income single-persons in the Lower City.*

Securing land for the many social housing providers in Hamilton has been an on-going problem for many years and is still a concern. This is a particularly urgent need based on the number of Hamilton households in need of socially-assisted housing units and the availability of Provincial unit allocations that enable social housing providers to construct housing. Moreover, a slowdown in the private homebuilding sector has created an opportunity for social housing providers to secure quality developments at competitive prices.

If appropriate land can be secured, the present time is an ideal opportunity to construct new socially-assisted housing units. The transfer of these lands to the City for residential purposes would represent the foundation of a long-term commitment to ensuring land is available for social housing providers in Hamilton.

**Recommendation Thirteen:**

*The Provincial Government be requested to transfer all of their present surplus lands in Hamilton to the City to facilitate the construction of new social housing projects or as collateral to secure other parcels of land within Hamilton for social housing.*

**1.7 Rehabilitation of the Existing Dwelling Stock**

In the latter half of the 1980's, concern in regard to policies and programs that promoted the preservation and rehabilitation of the existing dwelling stock waned. This trend occurred because the Provincial Government focused on new housing construction as a means of achieving its objectives while private sector residential contractors and builders were responding to the surge in consumer demand for new housing. However, through the 1990's a renewed focus on rehabilitation and preservation of the existing dwelling stock is likely to occur for three main reasons:

- 1) Public Fiscal Constraints - Providing grants and loans to homeowners and landlords to modernize and renovate dwelling units is significantly less expensive than the costs associated with new residential construction and achieves the same objectives;



- 2) Quality of the Built Environment - People are expressing a growing concern with the quality of their built environment. This includes not only housing quality, but quality of the parks, roads, and other infrastructure components within a community; and,
- 3) Economic Circumstances - As the demand for new housing is projected to fall off during the 1990's, residential contractors and builders will be seeking to diversify - the renovation aspect of housing represents an economically viable alternative to new construction. Further, the thousands of dwellings constructed during the 1960's and 1970's are now approaching the time when significant renovations are required to bring these dwellings up to 1990's structural and consumer standards.

The City of Hamilton has been successfully administering a number of rehabilitation programs and has established a Province-wide reputation for its efficiency and effectiveness in this regard. Since 1984, the City has been utilizing the Provincial Low-Rise Rehabilitation Program to provide much-needed funding to upgrade rental buildings of five storeys or less and at least 25 years old. The City has been able to spend over \$12.5 million in the rehabilitation of over 3,000 units.

However, this success is being jeopardized by the inflexibility of the Provincial Government in regard to various program details and administrative restrictions. Further, the Province has indicated there will be no budgetary commitments to the Ontario Home Renewal Program (OHRP), the Convert-to-Rent program and the Low-Rise Rehabilitation program for an indefinite period of time. These actions are regrettable as these programs have been used extensively to renovate thousands of dwelling units in Hamilton.

#### Recommendation Fourteen:

*The Provincial Government be requested to form a working committee comprised of appropriate Ministry of Housing staff and representatives from major urban centres in Ontario to review the structural integrity of high-rise apartment buildings, prepare an option paper on various avenues of preserving this stock of housing, and fund a program that would enable municipalities and landlords to preserve the high-rise stock.*

#### Recommendation Fifteen:

*The Provincial Government in consultation with the City of Hamilton undertake a review of existing renovation and rehabilitation programs (e.g., Convert-to-Rent, Ontario Home Renewal Program, Low-Rise Rehabilitation) to ascertain current administrative constraints that affect the effective delivery of these programs to Hamilton residents.*

*Further, the Province make a budgetary commitment to these programs recognizing the past success and the effectiveness of these programs in the City of Hamilton.*

### Recommendation Sixteen:

*The Building Commissioner and the Director of Local Planning report to City Council on the feasibility of establishing a "Home Renovation Advisory Service" for small-scale renovations. This service can be regarded as a "one-stop" destination for individuals wishing to undertake home renovations and are in need of technical assistance pertaining to various building code and land use planning regulations. In addition, possible external funding sources, such as the Ontario Ministry of Housing or Canada Mortgage and Housing Corporation, be explored for establishing this service.*

### **1.8    Additional Research**

One aspect of land use planning and housing development which should be fully explored is the feasibility and appropriateness of "inclusionary zoning" (i.e., zoning by-law provisions that specifically require certain forms of housing to be constructed as part of an overall development). Inclusionary zoning ordinances are very common in the United States; however, the legislative framework in Ontario is different such that similar zoning by-law requirements may be beyond the municipality's legal jurisdiction.

The Regional Chairman's Task Force on Affordable Housing has recommended the formation of a technical committee to develop "a model for a more flexible zoning by-law". Further, the "Commission on Planning and Development Reform in Ontario", chaired by former Toronto mayor John Sewell, has indicated one of its mandates is to recommend improvements and simplifications to the present land use planning process in Ontario. Accordingly, as one of the major urban municipalities in Ontario, the City of Hamilton should actively participate in both of these initiatives to ensure the interests, suggestions and concerns of the City are made evident.

### Recommendation Seventeen:

*Staff of the Local Planning Branch prepare a submission to the Sewell Commission for City Council endorsement identifying constraints and barriers in the present system of land use planning. Further, appropriate staff actively participate in the proposed technical committee of the Regional Chairman's Task Force on Affordable Housing reviewing area municipality zoning by-laws.*

The vast majority of new rental housing starts in Hamilton and throughout Ontario are the result of social housing initiatives. The absence of the private sector in the construction of new rental housing has implications on the present and future availability of rental housing units for households. Continuing tight rental apartment vacancy rates in the major urban centres across Ontario are in stark contrast to rental apartment vacancy rates recorded in other major metropolitan areas across Canada. As of October, 1991, the rental apartment vacancy rate in major Canadian metropolitan areas were as follows:

°	Vancouver	- 2.2 percent
°	Calgary	- 3.8 percent
°	Winnipeg	- 6.6 percent
°	Toronto	- 1.8 percent
°	Ottawa	- 0.8 percent
°	Montreal	- 7.8 percent
°	Halifax	- 5.0 percent

The City of Hamilton, as of October, 1991, recorded a rental apartment vacancy rate of 1.6 percent; it is generally regarded that a "competitive" rental market records a vacancy rate in the 2.5 to 3.0 percent range. An enhanced private sector involvement in the rental housing marketplace would allow social housing providers to focus more of their efforts on housing households that are most in need and therefore reduce the number of people and households on assisted housing waiting lists.

Recommendation Eighteen:

*The Association of Municipalities of Ontario (AMO) and the Ontario Ministry of Housing be requested to undertake a comprehensive review of options that would achieve greater private-sector participation in the construction of new rental housing in Ontario.*



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**CITY OF HAMILTON**

**FEB 12 1992**

**- RECOMMENDATION -**

**DATE:** 1992 February 11  
(P5-4-2-20)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J.D. Thoms  
Commissioner of Planning and Development

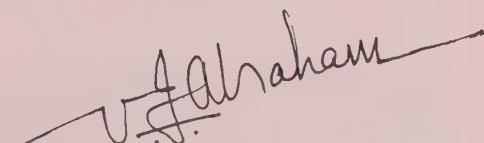
**SUBJECT:** Revised Work Plan - Implementation of Provincial Policy  
Statement Land Use Planning for Housing

**RECOMMENDATION:**

- A) That the revised work plan contained in the report "Revised Work Plan - Implementation of Provincial Policy Statement Land Use Planning for Housing", attached herewith and marked Appendix A, be endorsed; and,
- B) That the Minister of Municipal Affairs be advised of City Council's endorsement.



J.D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



**BACKGROUND:**

In July, 1989, the Provincial Cabinet approved the Policy Statement Land Use Planning for Housing. Under the Planning Act, municipalities "shall have regard to" Provincial policy statements "in exercising any authority that affects any planning matter." The intent of the Policy Statement is to direct municipalities to address the land use planning concerns associated with the provision of all forms of housing. Specifically, the Policy Statement requires municipalities to:

- Provide for a continuous 10 year supply of serviced residential land;
- Examine opportunities for streamlining the planning approvals process;
- Provide for a range of housing types, including at least 25 percent of new residential development for "affordable" housing;
- Identify areas of the City of Hamilton appropriate for residential intensification; and,
- Undertake on-going monitoring of housing market trends and the constraints in regard to the provision of affordable housing.

On October 31, 1989, City Council endorsed a work program to implement the requirements of the Policy Statement. In addition, City Council directed that an application be made to the Province for 100 percent grant funding to undertake the necessary work required to implement the Land Use Planning for Housing Policy Statement. The Ministry of Municipal Affairs responded to City's request by authorizing funding of \$51,000 to complete the work required by the Policy Statement, stipulating the work was to be fully completed by September 28, 1991.

As a result of an extensive public consultation in regard to the Housing Intensification Study, a request was forwarded to the Ministry of Municipal Affairs seeking an extension of the deadline for work tasks associated with the implementation of the Policy Statement to February 28, 1992. The Ministry of Municipal Affairs agreed to this extension of the deadline.

Also at this time, Ministry of Housing staff were reviewing the City's Municipal Housing Statement (MHS) Update. The City's MHS Update provides a background technical review of the Policy Statement requirements in Hamilton. As a result of this review, the Ministry of Housing indicated additional work tasks had to be undertaken in order to adequately meet the background technical requirements of the Policy Statement. However, at the time the request for an extension of the deadline was submitted to the Ministry of Municipal Affairs, the scope of the additional work required by the Ministry of Housing for the MHS Update was not known. (The draft Municipal Housing Statement Update has been completed and an authorization to hold an information meeting is being requested in a separate report.)

In January, 1992, a request was submitted to the Ministry of Municipal Affairs for a final extension of the deadline to May 1, 1992 to complete the work associated with the requirements of the Policy Statement. However, prior to granting an extension, the Ministry requires a revised work plan in regard to the remaining work to be completed and the anticipated timing. This revised work plan is provided in Appendix A.

KE/

## **APPENDIX A**

### **TIMING OF REVISED WORK PLAN CITY OF HAMILTON IMPLEMENTATION OF PROVINCIAL POLICY STATEMENT LAND USE PLANNING FOR HOUSING**

<b><u>Date</u></b>	<b><u>Relevant Actions</u></b>
February 19	The draft 1992 City of Hamilton Municipal Housing Statement Update forwarded to Planning and Development Committee; request for authorization to hold an information meeting on February 27.
February 27	Information Meeting on City's 1992 Municipal Housing Statement Update.
April 8	Public Meeting of the Planning and Development Committee to consider:  <ol style="list-style-type: none"><li>1) Recommendations of Municipal Housing Statement Update, including Official Plan Amendment as per the requirements of Policy Statement <u>Land Use Planning for Housing</u>;</li><li>2) Report on potential streamlining features and enhancements to the planning process in Hamilton; and,</li><li>3) The 1991 Year-End Hamilton Housing Market Monitoring Report.</li></ol>
April 14	City Council to consider:  <ol style="list-style-type: none"><li>1) Recommendations of Municipal Housing Statement Update, including Official Plan Amendment as per the requirements of Policy Statement <u>Land Use Planning for Housing</u>;</li><li>2) Report on potential streamlining features and enhancements to the planning process in Hamilton; and,</li><li>3) The 1991 Year-End Hamilton Housing Market Monitoring Report.</li></ol>
April 28	By-law of adoption for the Official Plan amendment arising from the Municipal Housing Statement Update before City Council.

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FEB 12 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 10  
DA-91-67  
(DA-90-99)  
(DA-88-56)  
Rymal Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Site Plan Control Application DA-91-67 to amend DA-90-99 for modification to the site and the expansion of the proposed buildings to the industrial/commercial development on the east side of Upper Ottawa Street, south of Stone Church Road East.

**RECOMMENDATION:**

1. That approval be given to Site Plan Control Application DA-91-67 to amend DA-90-99 by Taba Developments Ltd., owner, of land on the east side of Upper Ottawa Street, south of Stone Church Road East, for modifications to the site and the expansion of the proposed buildings to the industrial/commercial development subject to the following:
  - i) modification to the plan in relation to notes and dimensions as marked in red on the plans;
  - ii) provision of Reciprocal Agreement and appropriate agreements which will govern the relationship between the existing development to the north and the individual phases of development on the subject land;
  - iii) provision of a note on the plan to indicate the requirement of approval by the Committee of Adjustment prior to construction of Building "B", to permit a 0.0 m setback from the three boundary lines at the northerly end of the subject lands instead of the required 6.0 m minimum; and further,



2. That the following resolution be forwarded to City Council:

That approval be given to register plans of Site Plan Control Application DA-91-67 by Taba Developments Ltd., owners, of lands on the east side of Upper Ottawa Street, south of Stone Church Road East, to amend the plans of Site Plan Control Application DA-90-99, registered on title on August 23, 1991 as Instrument No. 306726 Lt.

**EXPLANATORY NOTE:**

Since additional lands have been included to expand the plans and drawings originally approved under Site Plan Control Application DA-90-99 it is necessary to modify the registered agreement with respect to building, access driveways, parking, loading and manoeuvring areas.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**BACKGROUND:**

Plans have been submitted to amend DA-90-99 for modifications to the site and the expansion of the proposed buildings to the industrial/commercial development on the east side of Upper Ottawa Street, south of Stone Church Road East. The details of the development for the previous application and the amendment are as follows:

	<u>DA-90-99</u> (Phase 1&2)	<u>DA-91-67</u> (Buildings B,C,D, and E)
• Net Lot Area	6,164.26 m <sup>2</sup>	14095.45 m <sup>2</sup>
• Gross Floor Area	2 018.1 m <sup>2</sup>	4589.89 m <sup>2</sup>
• Building Height	7.0 m (max.)	8.0 m (max.)
• No. of Parking Spaces Provided	58	146
• No. of Loading Spaces Provided	two (2) @ 3.7 m x 18.0 m	two (2) @ 3.7 m x 18.0 m
• Landscape Area	381.0 m <sup>2</sup>	1420.0 m <sup>2</sup> (7%)

- Exterior Building Materials - brick facing to match existing, architectural concrete block, prefinished metal canopy and flashing to match existing.

**NOTE:**

It should be noted that the applicant intends to construct Buildings "D" and "E" prior to the construction of Buildings 'B' and 'C'. A note to this effect has been placed on the plan.

***COMMENTS RECEIVED:***

The Hamilton-Wentworth Engineering Department has advised that the grading plan submitted November 8, 1991, is approved with respect to grading.

The Building Department has advised as follows:

- "1. The information on the site plan regarding lot area, lot line dimensions, and bearings shall be the same as the survey by A.T. McLaren Ltd. dated September 30, 1991.
2. The proposed building does not provide the minimum 6.0 m setback from the three boundary lines at the northerly end of the lands.

NOTE: No portion of the building (eaves, footings, etc.) shall encroach over the lot line.

3. By-law 91-153 is not final and binding."

The Traffic Department has reviewed the revised/amending plans and submitted the following comments:

- "1. The southerly access is centred on the property lines of Lots 42 and 43 of Plan No. 62M-489. This access must be registered as a mutual right-of-way between these lots. The applicant should be advised that this access will function as a service access only for any future development to the south.
2. As part of the previously approved DA-90-99, mutual right-of-ways were established over Lots 39 and 40 on Plan 62M-489 to establish the access, parking, loading and manoeuvring areas for Phase 1 of a two-phased industrial/commercial condominium development. The applicant has now changed the parking, access, and building layout on Phase 2 of this development so that the mutual right-of-way agreement is no longer valid. A new mutual right-of-way agreement must be established between Phase 1 and Phase 2 of this development."

The Hamilton Street Railway has reviewed the application and is not opposed to the development.

**COMMENTS:**

The applicant has requested an amendment to Site Plan Control Application DA-90-99 in order to increase the size of Phase 2 of the development, which was detailed under the previous development application DA-90-99, and construct Buildings "B,C,D and E", as noted on the plans and drawings.

It is therefore necessary to modify the approved site plan under DA-90-99, with respect to building coverage, gross floor area, access driveways, parking, loading and manoeuvring since additional lands have been included to the south.

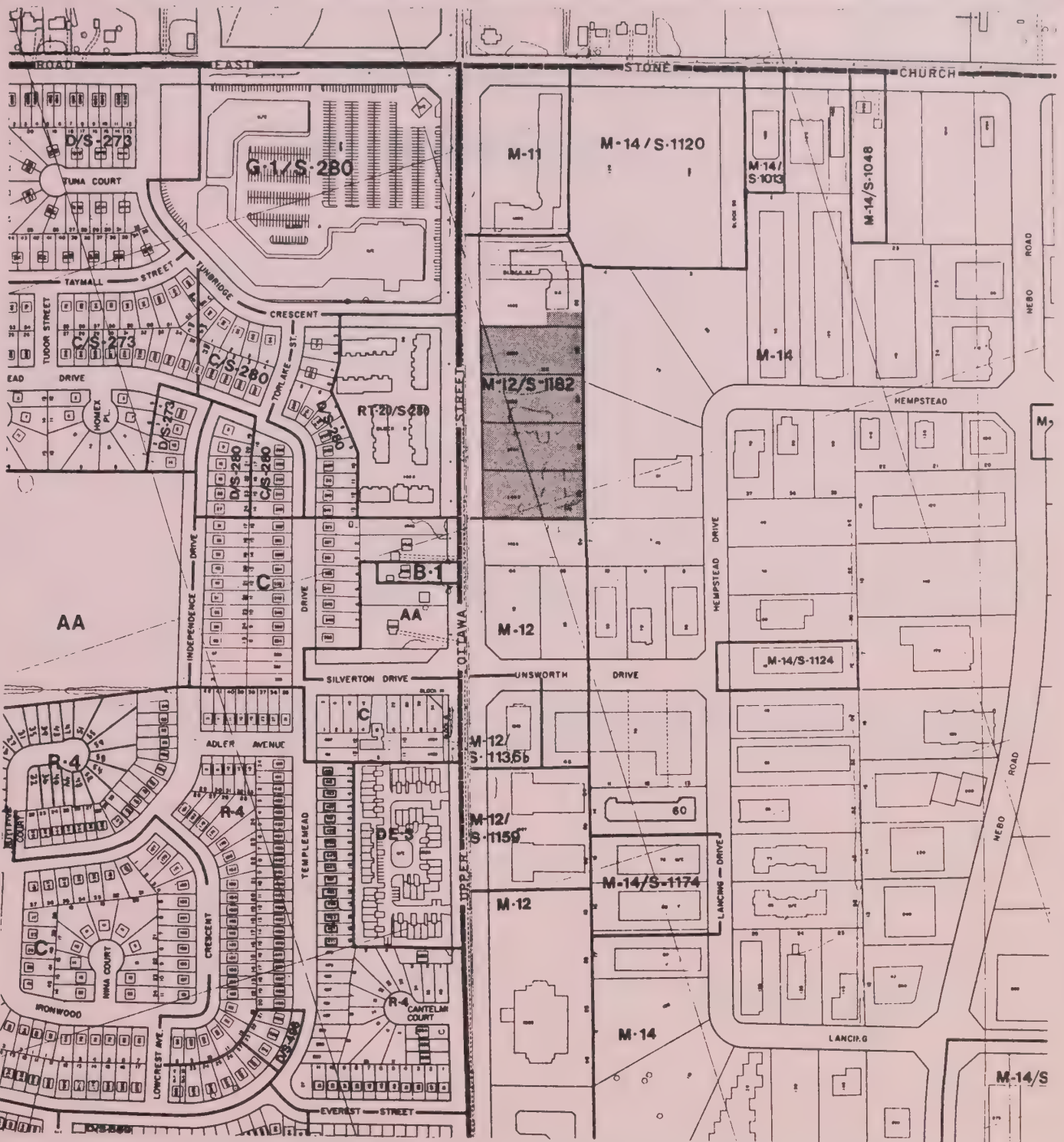
Furthermore, it has been noted, that a number of registered rights-of-way should be established between Phase 1 and Building B,C,D and E. This will ensure proper ingress and egress from the parking areas and the designated loading spaces of the development.

The site plan amendment proposes a variance to the by-law with respect to the setbacks from the northerly boundary lines which is necessary to allow Building 'B' to abut Phase 1. The above-mentioned variance can be supported since it will facilitate a logical and orderly development of the subject property. The applicant should submit an application to the Committee of Adjustment prior to the construction of Building "B". A note to this effect has been included on the plan.

As the previous plans and drawings under DA-90-99 were registered on title as Instrument No. 306726 Lt., a resolution should be forwarded to City Council requesting that the plans and drawings of DA-91-67 amend the existing registered agreement.

JPS/ma  
DA9167





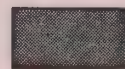
TEMPLEMEAD No. 129

RYMAL No. 120

City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-91-67**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

LEGEND



Site of the Application

North



Scale  
1:5000

Date  
SEPTEMBER, 1991

Reference File No.  
DA-91-67

Drawn By  
H.V.





FEB 13 1992

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 12

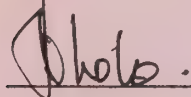
**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

**SUBJECT:** Central/Beasley P.R.I.D.E.  
Housing Intensification Programme;  
Authorization to Hold a Public Meeting

**RECOMMENDATION:**

That a public meeting be held for the purpose of receiving citizen input with respect to Addendum Number 1 to the Community Improvement Plan for the Central/Beasley P.R.I.D.E. H.INT. Community Improvement Project Area.



D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

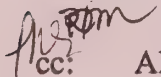
For the purpose of implementing the Central/Beasley P.R.I.D.E. Programme, a Community Improvement Plan was written with input from the citizens of the Central and Beasley Neighbourhoods. This was adopted as By-law Number 91-075 and approved by City Council on 1991 April 30. For the purpose of implementing the Central/Beasley P.R.I.D.E. Housing Intensification Programme, an Addendum to this Community Improvement Plan must be prepared, presented to the neighbourhood residents at a public meeting and adopted by City Council prior to being submitted to the Ministry of Municipal Affairs for their approval. All this must take place prior to expenditure of the available funds.

...../2

Under the Central/Beasley P.R.I.D.E. Programme, six hundred and twenty-seven thousand dollars (\$627,000.) was available, three hundred and thirteen thousand, five hundred dollars (\$313,500.) from the Ministry of Municipal Affairs and three hundred and thirteen thousand, five hundred dollars (\$313,500.) from the City of Hamilton. These funds are presently being spent on two Parks, namely, the redevelopment of McLaren Park which is already complete and the expanded development of Beasley Park which will be completed in 1992. Presently under the Central/Beasley P.R.I.D.E. H.INT. Programme, a Citizens' Advisory Committee is working with staff and the Ward Aldermen to assist in the preparation of the Addendum to the Community Improvement Plan in order that funds available can be spent in 1992 to 1994. A date for the Public Meeting will be set once this Addendum has been finalized. Available funds for this second programme total one million, four hundred and forty thousand dollars (\$1,440,000.), seven hundred and twenty thousand dollars (\$720,000.) from the Ministry of Municipal Affairs and seven hundred and twenty thousand dollars (\$720,000.) from the City of Hamilton.

Section 28 of the Planning Act states that a public meeting must be held prior to Ministerial approval of the Community Improvement Plan or its Addendums.

JMcN:bk

 cc:

Alderman Agro, Ward Two

Alderman McCulloch, Ward Two

Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. V. Abraham, Director of Planning  
Planning and Development Department

FEB 13 1992

Fb)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 13

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

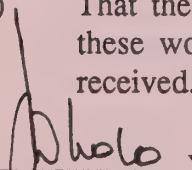
**SUBJECT:** Commercial Improvement Programme;  
Paving of Alleyways Within the International Village Business Improvement Area (B.I.A.)

**RECOMMENDATION:**

- a) That Item 4(a) of the Second Report of the Planning and Development Committee approved by City Council on 1992 January 28 be amended to read:

That within the International Village B.I.A., the east/west alleyway, between King William and King Street East, from Ferguson Avenue North to Jarvis Street and from Ferguson Avenue North to approximately 50 metres westerly be paved under the Commercial Improvement Programme at an estimated cost of twenty-nine thousand, four hundred dollars (\$29,400.) plus contingencies; and,

- b) That the Commissioner of Transportation /Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.

  
\_\_\_\_\_  
D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

City Council at its meeting held 1992 January 28 approved the paving of alleyways within the International Village B.I.A. and the cost of twenty-nine thousand, four hundred dollars (\$29,400.) which will be funded under the Commercial Improvement Programme, Account Number CF 5698 428705099. The legal description of the alleyways was incomplete therefore we are sending this report to clarify.

...../2



## BACKGROUND:

The International Village B.I.A. requested that the alleyways running east/west, north of King Street East from Mary to Wellington Streets be paved through the Commercial Improvement Programme. A recommendation was therefore submitted to the Planning and Development Committee and City Council and approved (Second Report of the Planning and Development Committee for 1992 January 28). However, although the estimate of costs to carry out this work was all inclusive, the description of the subject alleyways was not. This report amends that description to include "the east/west alleyway, to a point 50 metres westerly of Ferguson Avenue North" and gives authorization to the Commissioner of Transportation/ Environmental Services to carry out this work on the City's behalf.

*WGR*  
c.c.

Mr. D. Onishi,  
Director of Engineering Services  
Att: Mr. V. Zingaro  
Senior Project Engineer

G

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 February 14

**REPORT TO:** Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:**

1992 National Planning Conference - May 9 to 13, 1992 - Washington

**RECOMMENDATION:**

- (a) That the Chairman or his designate be authorized to attend the 1992 National Planning Conference to take place on May 9 to 13, 1992 in Washington.
- (b) That costs for attendance be allocated to Alderman Travel Account No CH55201-10010 from the 1992 Operating Budget.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

*Costs per TH*

Costs to be charged to Alderman Travel Account No. CH55201-10010 from the 1992 Operating Budget.

**BACKGROUND:**

Conference outline as attached.

# CONFERENCE SESSIONS

## Saturday, May 9

### Planning Commissioners Workshop **The Basics for Planning Commissions** Saturday, 2:00 p.m.-5:00 p.m.

A comprehensive overview of the job of the planning commissioner for the new appointee. Experienced commissioners will lead a session that includes role playing and group activities.

### **Student Exchange**

Saturday, 3:30 p.m.-4:45 p.m.

An open forum on student concerns, with the opportunity to meet council officers and regional representative candidates. Sponsored by Student Representatives Council.

### **Student Exchange Job-Finding Workshop** Saturday, 5:00 p.m.-7:00 p.m.

Make your job search faster and more effective. Focus on meaningful career goals, marketable skill enhancement, effective resumes and letters, power references, ongoing networking, surveying, two-way interviewing, stress management, moving on, non-traditional paths to your future, and next steps.

## Sunday, May 10

### **AICP Workshop Impact Fees on Trial**

Sunday, 9:00 a.m.-12:00 noon

A courtroom-style hearing, with testimony and cross examination, to illuminate the legal aspects of impact fees. Both public- and private-sector perspectives will be presented.

### **Planning Commissioners Workshop Land Use Law**

Sunday, 9:00 a.m.-12:00 noon

An introduction to what the planning commissioner needs to know about the legal aspects of the job, including the current state of land-use restrictions, and due process and findings requirements.

### **AICP Workshop Personal Financial Planning**

Sunday, 9:00 a.m.-12:00 noon

Learn more about complex personal financial issues in this workshop conducted by certified financial planner Eileen M. Sharkey. Since many planners work for several employers in their careers, this is an important professional subject.

### **AICP Workshop Win/Win Communication**

Sunday, 9:00 a.m.-12:00 noon

Better communication is critical to all professional organizations. Learn the key techniques that allow you to work successfully while minimizing mistakes and missed communication. Find out how ego gets in the way of learning and communication. Workshop leader Richard J. Konieczka will show you how to analyze your strengths and weaknesses to achieve maximum quality.

### **Bettman Symposium Modernizing the Statutes: State and and Regional Roles**

Sunday, 9:00 a.m.-11:00 a.m.

A look at APA's upcoming program to create model planning and zoning statutes, plus an evaluation of state and regional planning roles created by new statutes in fast-growing coastal states. Political strategies for converting model statutes into law will also be discussed.

### **Women in the Planning Profession**

Sunday, 9:00 a.m.-10:20 a.m.

Increasing attention is being paid to the status of women in the field. What can be done to

assure equal treatment in salary and job assignments, and advancement to management positions?

### **Military Base Closure**

Sunday, 9:00 a.m.-10:20 a.m.

How communities have successfully responded to the closing of military bases. What kinds of plans must be done? What kind of assistance is available? Speakers will include representatives from the Office of Economic Adjustment and local government. Sponsored by the Federal Installation Planning Division.

### **Testifying as an Expert Witness**

Sunday, 9:00 a.m.-10:20 a.m.

Presentation techniques and tips for planners called to testify as expert witnesses. Panelists will comment on a videotape of an actual deposition taken by a planning consultant. Sponsored by Private Practice and Planning and Law Divisions.

### **Interdisciplinary Cooperation in Design Development**

Sunday, 9:00 a.m.-10:20 a.m.

The Maryland Department of Natural Resources has held a series of educational conferences and workshops to increase communication and cooperation among the various professionals who make decisions about land use. Learn how to develop a program in your own area.

### **From Rails to Trails**

Sunday, 9:00 a.m.-10:20 a.m.

With 150,000 miles of abandoned rail corridors, nearly every state is making a vigorous conversion effort. Conversions are supported by bicyclists, runners, skiers, bird watchers, and others. This session will emphasize the many advantages of trails and explain how to create one in your community.

### **Uncle Sam as Neighbor**

Sunday, 9:00 a.m.-10:20 a.m.

The federal government is the nation's largest landlord, and its land-use decisions generally are not subject to state or local control. This panel will reflect

on local successes and failures in reaching consensus on federal land development, and on how the planning process might be improved. Sponsored by Local Host Committee.

### **Creating Community: One Way?**

Sunday, 10:40 a.m.-12:00 noon

A comparison of the traditional role of the planner as information gatherer and problem definer with new models built on negotiated dispute resolution techniques. Can the planner be both an expert and a facilitator? Sponsored by Local Host Committee.

### **AICP Planning Case Studies**

Sunday, 10:40 a.m.-12:00 noon

AICP has launched a new case studies periodical. The editor will explain the unique characteristics and format of a case narrative. The session will also include a presentation of the first case study.

### **Social Aspects of Transportation Policy**

Sunday, 10:40 a.m.-12:00 noon

How the new Surface Transportation Assistance Act will affect a variety of linkages, with

*The monumental core of the rail*





- emphasis on why they are important and how to implement them in local planning processes. Sponsored by the Planning and Women and Transportation Divisions.

### Churches in Development

- Sunday, 10:40 a.m.-12:00 noon
- As governments have shrunk, nonprofit groups—especially religious institutions—have engaged in community development partnerships with poor neighborhoods to produce low- and moderate-income housing, revitalize commercial districts, and create jobs. Learn about the results of a national demonstration program funded by the Lilly Endowment.

### Innovative Tools for Historic Preservation

- Sunday, 10:40 a.m.-12:00 noon
- How planning agencies can use conservation districts, the everyday landscape, and a variety of other preservation techniques.

### Environmental Mitigation Through Design

- Sunday, 10:40 a.m.-12:00 noon
- Successful measures to reduce air pollution, energy demands, and water demands through planning and design. Sponsored by the Environment, Natural Resources, and Energy Division.

### Ethics: A Hearing for Members

- Sunday, 10:40 a.m.-12:00 noon
- A joint AICP-APA committee has been working on a draft statement of ethical principles that would apply to planners, planning commissioners, and others who are officially involved in the planning process. The purpose of the hearing is to share the basic concepts and provisions and to get member feedback.

### Bettman Symposium Shaping Urban Growth

- Sunday, 11:20 a.m.-12:30 p.m.
- New statutes offer ways to shape urban growth into more orderly, beneficial patterns. Speakers will describe the success of urban-rural growth boundaries and how transportation and infrastructure planning can create tidy growth patterns.

### Keynote Session To Be Announced

- Sunday, 1:00 p.m.-2:00 p.m.

### APA Journal Symposium Planning Education: Theory and Practice

- Sunday, 2:00 p.m.-5:00 p.m.
- Presentations on the major concepts that should shape planning education. What processes should be used to impart professional knowledge, at what level, and how can the field be shaped.

### Planning Commissioners Workshop Better Decision Making for Planning Commissioners

- Sunday, 2:00 p.m.-5:00 p.m.
- Designed for planning commissioners with a few years experience, this workshop focuses on equitable decision making in typical planning commission situations through case studies.

### AICP Workshop Team With Success

- Sunday, 2:00 p.m.-5:00 p.m.
- Learn how to brainstorm to draw out the best ideas, how to promote creativity and new approaches to problem-solving in a workshop led by Richard Konieczka. Learn to balance communication and self-management skills to get your ideas implemented.

### AICP Workshop Customer Service in Planning and Management

- Sunday, 2:00 p.m.-5:00 p.m.
- Bruce McClendon, author of *Mastering Change*, has a new book on the concept of customer service in planning agencies. He emphasizes improving the planner's ability to deal with clients and how to increase agency effectiveness.

### Bettman Symposium A Debate on the Kemp Report

- Sunday, 2:00 p.m.-3:20 p.m.
- The 1991 Kemp Commission report, "Not in My Backyard," blamed the affordable housing crisis on land-use and environmental regulations. Is this report accurate? Are these regulations fully responsible? A defender of the report and an advocate of planning laws will debate these questions.

### Planners on the Hill Briefing I

- Sunday, 2:00 p.m.-3:20 p.m.
- For planners who are participating in Planners Day on the Hill. Repeated Monday at 3:40 p.m.

### Externalities of Energy Decisions

- Sunday, 2:00 p.m.-3:20 p.m.
- How to assign monetary values to air pollution emissions and other externalities of energy decision making. Session co-sponsored by the Environment, Natural Resources, and Energy Division and the Edison Electric Institute.

### An Afrocentric Perspective

- Sunday, 2:00 p.m.-3:20 p.m.
- A focus on sociocultural issues in revitalizing African-American communities. Is Afrocentricity a useful tool for accomplishing this goal? How does the urbanization of black communities in this country compare with African and Caribbean communities? Sponsored by the Planning and Black Community Division.

### How to Teach Kids and Teachers About Planning

- Sunday, 2:00 p.m.-3:20 p.m.
- Planners are invaluable resources for teachers. They make the community a learning laboratory for schools. This session will help planners and planning commissioners tailor a program to present either to students or to teachers.

### Ethics Awareness

- Sunday, 2:00 p.m.-3:20 p.m.
- Carol Barrett, AICP, author of AICP's ethical awareness publication, focuses on practical ways of recognizing situations with ethical implications. Several practical scenarios will be presented to help build understanding.

### Drugs, Crime, and Planners

- Sunday, 2:00 p.m.-3:20 p.m.
- Certain locations seem to attract drug dealing and related criminal activities. How can neighborhoods help to deter such activities? What is the planner's role in the design of public spaces and the delivery of public services? This panel draws on case studies from Washington and Baltimore. Sponsored by Local Host Committee.

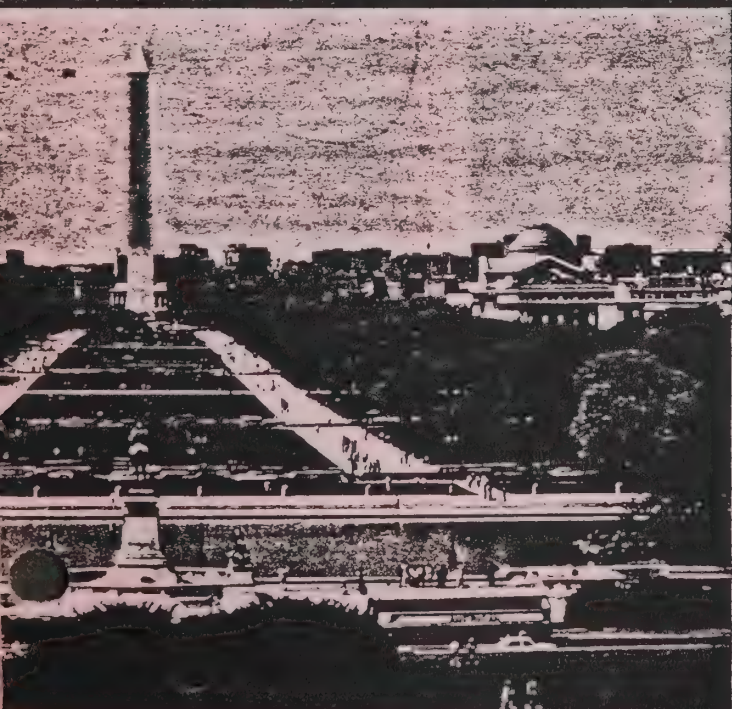
### Heritage Canals

- Sunday, 2:00 p.m.-3:20 p.m.
- Aging water-power and water transportation corridors are invaluable showcases of the nation's industrial heritage. How can these areas be preserved and revitalized?

### L'Enfant et L'Economics

- Sunday, 3:40 p.m.-5:30 p.m.
- Pierre L'Enfant's plan for the nation's capital laid out streets and public spaces, but it fell to the private land market to fill the spaces in between with buildings. A discussion of the role of land economics in the city's early development and in

Capital is the subject of Mobile Workshops 18, 27, 43, and 52.







*See how the Metro system has reshaped the Washington region and spurred development on Mobile Workshops 21, 32, 33, 47, and 48.*

regional, and local government? What skills will practitioners need? Confirmed speakers include Henry Cisneros and Donald Schon.

### **Washington Urban Design**

Monday, 9:00 a.m.-10:20 a.m.

New projects that are significant for their use characteristics, contextual relationship, and creation of enclosed spaces. Learn how decisions were reached, and the planner's role in these projects. Sponsored by Local Host Committee.

### **Planners and the Press**

Monday, 9:00 a.m.-10:20 a.m.

Rare is the planner who claims to have a satisfactory relationship with the local reporter. How do journalists decide what is "fit to print?" And what information do they need to produce accurate articles? Washington reporters and public relations pros (all with local government backgrounds) will help you improve your chances for an accurate story.

### **Wetlands Policy Debate**

Monday, 9:00 a.m.-10:20 a.m.

The Bush administration's proposed changes in the definition of wetlands mark a major shift in policy. This first session of two (see 10:40 a.m.) will examine the results of our current wetlands policies and analyze the proposed changes and their likely results. Sponsored by Planning and Law, and the Environment, Natural Resources, and Energy Divisions.

### **Strategies for Distressed Neighborhoods**

Monday, 9:00 a.m.-10:20 a.m.

Learn about new efforts to address physical deterioration, weak market demand for housing and economic development, unorganized populations, and inadequate human service delivery from planning practitioners involved in reclaiming those neighborhoods. Sponsored by City Planning and Management Division.

### **The New Urban Sector Policies of the International Agencies**

Monday, 9:00 a.m.-10:20 a.m.

The World Bank, USAID, the UNDP, and other international agencies have recently released urban sector policies. How do

more recent times, and how expected changes in the dynamics of land development will affect the city. The role of the planner will be noted. Sponsored by Local Host Committee.

### **Fiscal Planning and Tax Rates**

Sunday, 3:40 p.m.-5:00 p.m.

Most planning, economic development, and fiscal studies assume that tax rates stabilize as the amount of commercial and retail land use increases. Some recent work suggests otherwise.

### **Bettman Symposium Streamlined Approvals for Affordable Housing**

Sunday, 3:40 p.m.-5:00 p.m.

Layers of complex land-use controls have been criticized for contributing to the housing crisis. New ways of ushering affordable housing through the regulatory maze include density bonuses, inclusionary housing, streamlining review, and exempting affordable projects. State approaches requiring communities to accommodate affordable housing will also be examined.

### **Reducing Environmental Impacts in Minority Communities**

Sunday, 3:40 p.m.-5:00 p.m.

An introduction to EPA's new minority outreach program, and presentations by speakers specializing in assessing environmental impacts in minority communities. Sponsored by the Environment,

Natural Resources, and Energy, and Planning and Black Community Divisions.

### **Resources for Teaching Kids About Planning**

Sunday, 3:40 p.m.-5:00 p.m.

Teaching tools and learning activities that can be used in the classroom to inform school children about planning.

### **Small Town Historic Preservation**

Sunday, 3:40 p.m.-5:00 p.m.

Learn how small communities protect their historic qualities and influence new development to fit into the surrounding context. A general framework that has been advanced by the National Trust for Historic Preservation will be presented, along with case studies. Sponsored by National Park Service.

### **AICP's History**

Sunday, 3:40 p.m.-5:00 p.m.

In recognition of AICP's 75th anniversary, this session will trace the history of the planning profession in the United States, beginning with the formation of the American City Planning Institute in 1917.

### **Environmental Mitigation Impact Fees**

Sunday, 3:40 p.m.-5:00 p.m.

Impact fees to cover environmental mitigation are a growing area of environmental policy and regulation. The nature of mitigation can vary consider-

ably depending on timing, location, and negotiation outcomes. Mitigation fees promise more rational, predictable schedules of charges against new development. The authors of a forthcoming APA Planners Press book will lead this session.

## **Monday, May 11**

### **Bettman Symposium Dealing With Cumulative Impacts**

Monday, 9:00 a.m.-12:00 noon

Antiquated statutes provide weak tools to control the cumulative development impacts on natural resources and infrastructure. Panelists will present innovative ways to control these impacts, including quantum zoning, impact fees, trip reductions, jobs/housing balances, traffic management districts, and local assessment of environmental impacts.

### **AICP Symposium The Future of the Profession**

Monday, 9:00 a.m.-11:00 a.m.

This symposium commemorates the profession's 75th anniversary with a focus on the future. What are the trends and the issues that will affect planning practice in the 21st century? What roles will emerge for federal, state,



- these indicate change in the way international agencies see the developing countries? How can U.S. professional skills be included? Sponsored by International Division.

### **Tribal Planning and Regional Development**

- Monday, 9:00 a.m.-10:20 a.m.
- A focus on how tribal jurisdiction over land and water influences environmental and economic planning by counties, regional entities, bordering municipalities, and states. As tribal governments develop, planners for nearby jurisdictions need to understand tribal planning and intergovernmental cooperation.

### **Income and Mobility**

- Monday, 9:00 a.m.-10:20 a.m.
- Low-income communities are disproportionately affected by unemployment due to lack of adequate access to areas with employment opportunities. This session explores transit routes, modes, and costs, and alternatives to automobile access. Sponsored by Local Host Committee.

### **Planning Commissioners Workshop**

- **Site Plan Review**
- Monday, 9:00 a.m.-10:20 a.m.
- Baffled by those blueprints, renderings, and site plans? Learn some basic ways of reviewing developer's proposals.

### **Washington's Living Downtown**

- Monday, 10:40 a.m.-12:00 noon
- Trace the progress towards creating a "Living Downtown" between the Capitol and the White House. Programs to enhance Pennsylvania Avenue, the Retail Core, the Arts District, Chinatown, and the Downtown Historic District, and to promote new housing in the area will be presented. Examine successes and failures in achieving consensus, and the role that planners have played. Sponsored by Local Host Committee.

### **Urban Design and Preservation in the Nation's Capital**

- Monday, 10:40 a.m.-12:00 noon
- Current efforts toward design guidelines and the preservation of spaces and monuments of national significance. Sponsored by the Urban Design and Preservation Division.

### **Zoning Clinic**

- Monday, 10:40 a.m.-12:00 noon
- This longtime favorite session brings together experts in zoning and land-use controls to answer your questions on any topic. Bring your problems and learn from them and others in the audience.

### **How Planners Work: Recent Research**

- Monday, 10:40 a.m.-12:00 noon
- How planners operate on the job: dealing with the public, ethics, influence, and discretion while working in the bureaucracy.

### **A Practical Discussion of Wetlands**

- Monday, 10:40 a.m.-12:00 noon
- Regardless of the outcome of the policy debate over defining wetlands, certain practical considerations remain constant. This second session of two (see 9:00 a.m.) presents a practical discussion of the Sec. 404 process, state and local wetlands regulations, and techniques for wetlands restoration and mitigation. Sponsored by the Planning and Law, and Environment, Natural Resources, and Energy Divisions.

### **Combating NIMBY Protests**

- Monday, 10:40 a.m.-12:00 noon
- Strategies planners and cities have taken to combat NIMBY protests against accessory apartment ordinances, group

- homes, and other issues.
- Sponsored by the Housing and Human Services, and Planning and Law Divisions.

### **Tax Base Competition in the Baltimore-Washington Corridor**

- Monday, 10:40 a.m.-12:00 noon
- How local jurisdictions manage growth to attract more of it. Sponsored by Economic Development Division.

### **Planning Commissioners Workshop**

- **Ethics for Planning Commissioners**
- Monday, 10:40 a.m.-12:00 noon
- The planning commissioner is frequently confronted with ethical dilemmas in the planning and zoning process. This workshop is designed to help you through the tricky situations.

### **Women in Private Practice**

- Monday, 10:40 a.m.-12:00 noon
- Issues and accomplishments of women in private consulting. Panelists include women with their own firms and those working for other firms. Sponsored by the Planning and Women and Private Practice Divisions.

### **APA-AICP Annual Meeting**

- Monday, 1:30 p.m.-2:30 p.m.
- An opportunity for the organization's officers to report

- to and hear from members about their concerns.

### **AICP Workshop The Vision Thing: 10 Hot Cases**

- Monday, 2:00 p.m.-5:00 p.m.
- Creating a grass-roots visioning process at the beginning of any strategic or comprehensive planning effort is a critical first step. Hear about 10 innovative and effective examples from across the country.

### **AICP Workshop Cultural Diversity in the Workplace**

- Monday, 2:00 p.m.-5:00 p.m.
- What is diversity? Why does it matter? How many cultures do you belong to? What is the role of education and awareness in community across cultures? Find out in this workshop led by Miriam Lee.

### **AICP Workshop Planning in a Changing Field**

- Monday, 2:00 p.m.-5:00 p.m.
- This workshop, led by Myles Rademan, AICP, covers the unsettling nature of change and the toll it takes on us personally and on the communities in which we work. Topics include loss of nerve, dealing with naysayers, planning medium-sized rural communities, resorts, and planning in the next century.

### **Transportation and Child Care**

- Monday, 2:00 p.m.-3:20 p.m.
- A look at the Surface Transportation Assistance Act's provisions on linkage of transportation to land use and air quality. Learn how these goals can be accomplished through links with child care and other service needs. Sponsored by the Planning and Women, and Transportation Planning Divisions.

### **Technological Tools for the New Comprehensiveness**

- Monday, 2:00 p.m.-3:20 p.m.
- Geographic information systems are using important new data sources such as TIGER census files and satellite imagery. This integration creates the potential for a new comprehensiveness, crossing many functional areas of planning and acting as a base for decision support systems in planning. Sponsored by Information Technology Division and URISA.

*One of Washington's preservation successes: Union Station. Visit it on the Orientation Tour and Washington Tour G.*



Dorinda McCrindle



## New Visions in Metropolitan America

Monday, 2:00 p.m.-3:20 p.m.

- Changing federal funding priorities have led to a new level of metropolitan thinking.
- New comprehensive planning processes in New York, Atlanta, Los Angeles, and Seattle emphasize quality of life and a sense of community in a broad regional perspective.
- Sponsored by the Intergovernmental Affairs Division.

## Intelligent Vehicle/Highway Systems

Monday, 2:00 p.m.-3:20 p.m.

- A look at IVHS applications in transit and highway systems, and some of the fiscal and land use planning implications.
- Sponsored by Transportation Planning Division.

## Strategies for Diversity: Inclusiveness or Cohesiveness?

Monday, 2:00 p.m.-3:20 p.m.

- Some policy choices reinforce racial/ethnic/cultural identity; others reinforce integration into the larger society. Panelists will discuss both strategies and their effectiveness, asking the audience to participate in this debate.
- Sponsored by City Planning and Management Division.

## APA-AICP Candidate Forum

Monday, 2:00 p.m.-3:20 p.m.

- Meet and hear candidates for the APA Board of Directors and AICP Commission.

## AICP Exam Preparation Sessions

- If you plan to attend AICP exam preparation sessions, please mail this form to:

Rosemary Jones  
American Institute of Certified Planners  
1776 Massachusetts Ave., N.W.  
Washington, DC 20036

Name \_\_\_\_\_

Title \_\_\_\_\_

Agency \_\_\_\_\_

Street \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Work Phone \_\_\_\_\_

Home Phone \_\_\_\_\_

I will attend: ☐ Monday ☐ Tuesday ☐ both sessions

## Planning Commissioners

### Workshop

## Why Meetings Sometimes Fail

Monday, 2:00 p.m.-3:20 p.m.

- This interactive session will feature role-playing situations that will entertain, as well as inform.

## Planners on the Hill Briefing II

Monday, 3:40 p.m.-5:00 p.m.

- For planners who are participating in Planners Day on the Hill.

## National Planning Awards

Monday, 3:40 p.m.-5:00 p.m.

- Celebrate with the 1992 award winners. APA's awards include the national planning, journalism, and APA Journal. AICP's awards include the landmark, planning pioneer, and student project. Awards presented by APA President Connie B. Cooper, AICP, and Lawrence Gerckens, AICP, historian for AICP. Award descriptions by Edward J. Blakely, Chair of the APA Awards Committee, and by AICP President Sumner Sharpe, AICP.

## Planning Commissioners Workshop Thinking Creatively on the Planning Commission

Monday, 3:40 p.m.-5:00 p.m.

- A comprehensive introduction to the techniques associated with creative thinking, featuring role playing and small group activities.

## The Future of Metropolitan Washington

Monday, 3:40 p.m.-5:00 p.m.

- Washington is one of the nation's few metropolitan areas that involves three states. Although there have been interstate agreements in the past on water supply and sewage treatment issues, new transportation and environmental problems have spawned efforts for greater coordination in the future. Sponsored by Local Host Committee.

## Small GIS Systems

Monday, 3:40 p.m.-5:00 p.m.

- Case studies of small, relatively low-cost GIS systems for microcomputers. Sponsored by the Information Technology Division.

## Rural Development Policy

Monday, 3:40 p.m.-5:00 p.m.

- A view of rural development policy in the U.S. and Canada: federal, state/provincial, and local roles; changing development policy issues and directions; contributions of planners to rural development policy formation and implementation. Sponsored by Small Town and Rural Division.

## Saudi Arabian New Towns

Monday, 3:40 p.m.-5:00 p.m.

- Saudi Arabia has invested heavily in public works and services to bring its population rapidly from a third world rural environment into an urban environment. His Highness Abdullah Bin Faisal Bin Turki Al-Abdullah Al Saud will explain these efforts, including several new towns, and such technical achievements as large-scale desalination plants. Sponsored by the International Division.

## RFQs and RFPs

Monday, 3:40 p.m.-5:00 p.m.

- How to ensure a professional process that benefits both communities and consultants. Sponsored by the Private Practice Division and the American Society of Consulting Planners.

## AICP Exam Review Course I

Monday, 6:00 p.m.-8:00 p.m.

- Format and content of the exam, tips on the multiple-choice exam, and overview of exam topics. (See Tuesday, 6:00-9:00 p.m. for Part II.)

## Tuesday, May 12

## AICP Workshop The Ethics of Management

Tuesday, 9:00 a.m.-12:00 noon

- Frank Bucaro, who recently appeared in AICP's PTS workshop on management, will show creative ways to control and direct emotional energy to resolve conflict. He will also cover the dynamics of ethical decision making, how to increase critical thinking skills, and a guide to wrong and right in decision making.

## Making Rural Clustering Work

Tuesday, 9:00 a.m.-12:00 noon

- Successes in rural clustering, or open space zoning, in three states. Subdivision design guidelines show how new development can be integrated into small communities and rural settings, and innovative ordinance language can mandate compact traditional development patterns and preserve significant open space.

## AICP Workshop Better Maps and Graphics

Tuesday, 9:00 a.m.-12:00 noon

- Good ideas in planning reports are too often sabotaged by weak report graphics. Learn how to make charts, graphs, and maps attractive and useful, with special attention to the design problems and opportunities presented by computers.

## The New Frontier in Regionalism

Tuesday, 9:00 a.m.-10:40 a.m.

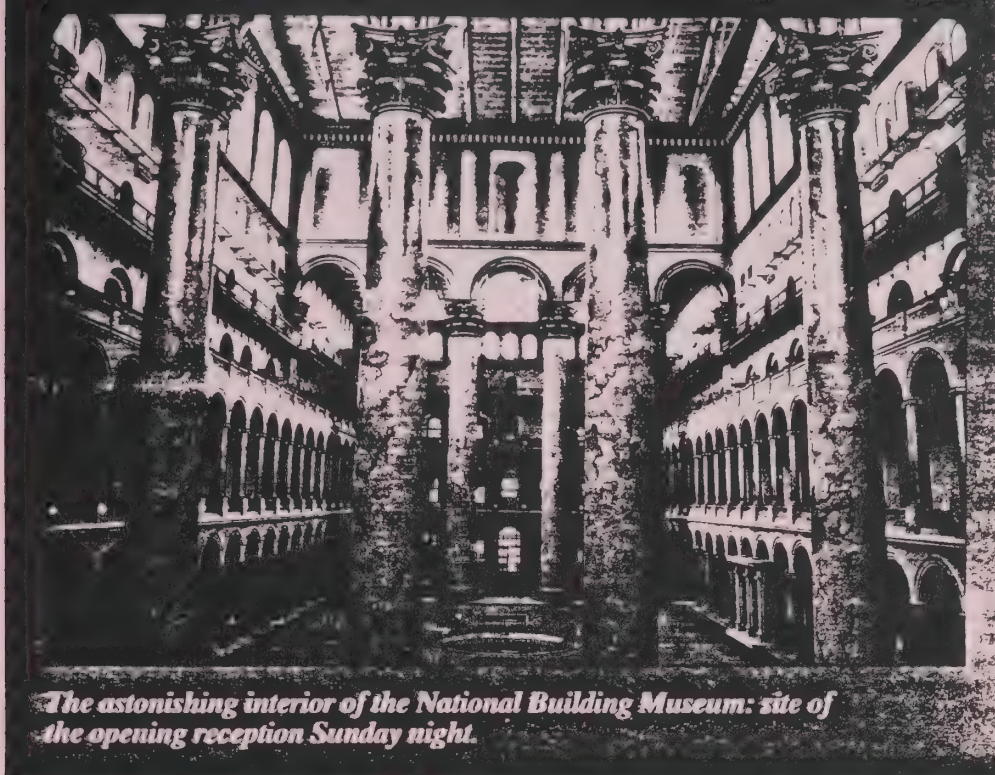
- The 1980s witnessed the spread of housing and jobs into the far exurbs of metropolitan areas. Now concerns such as protecting the Chesapeake Bay and global competition are beginning to bring together citizens from the entire Washington region. Discuss this new regionalism, the challenges it presents to consensus building, and the role of planners. Sponsored by Local Host Committee.

## Planning Pioneers

Tuesday, 9:00 a.m.-10:20 a.m.

- A look at the winners of AICP's Planning Pioneer Awards.





*The astonishing interior of the National Building Museum: site of the opening reception Sunday night.*

### **Planning in Fully Developed Cities**

Tuesday, 9:00 a.m.-10:20 a.m.

What strategies are being used to stimulate housing and economic development, share regional resources, and coordinate human service delivery systems? Case studies of central cities in metropolitan areas with slow or no growth. Sponsored by City Planning and Management Division.

### **Solid Waste Management**

Tuesday, 9:00 a.m.-10:20 a.m.

Planners are finding an increasing role in the planning aspects of solid waste management. Once a community establishes its goals, how does it site and build a facility?

### **Planning for a Jobs/Housing Balance**

Tuesday, 9:00 a.m.-10:20 a.m.

Affordable housing problems often result from a poor balance between jobs and housing. This session examines the importance of a jobs/housing balance, the social, economic, transportation, and environmental problems caused by an imbalance, and ways to achieve a better mix. Sponsored by the Housing and Human Services Division.

### **Nollan and First English: Five Years After**

Tuesday, 9:00 a.m.-10:20 a.m.

The Supreme Court's decisions

in *Nollan* and *First English* startled the legal and planning communities. How has land-use law and planning changed in the five years since? Sponsored by Planning and Law Division.

### **Local Environmental Regulations**

Tuesday, 10:40 a.m.-12:00 noon

How local government planning agencies can develop and implement environmental regulations, particularly sensitive land and design guidelines.

### **Historic Preservation: Beyond the Basics**

Tuesday, 10:40 a.m.-12:00 noon

Many communities have gone beyond basic preservation programs and are experimenting with such techniques as creative building code and parking requirements for historic buildings, financial and tax incentives, technical assistance to property owners, conservation districts, and demolition disincentives. Sponsored by National Trust for Historic Preservation.

### **How Do Planners Get Things Done?**

Tuesday, 10:40 a.m.-12:00 noon

The strategies and tactics planners and planning directors use to implement policies in their communities.

### **The Growth and Abuse of Discretionary Approvals**

Tuesday, 10:40 a.m.-12:00 noon

Have discretionary reviews become a major barrier to development? Some worry about the discriminatory aspects concerning affordable housing and others see it as antiplanning. Discuss the legal, affordability, planning, and administrative aspects of the issue.

### **Ending Segregated Housing and Preserving Racial Diversity**

Tuesday, 10:40 a.m.-12:00 noon

A look at the links between segregated housing and the planning challenges we face. Review what various cities have done to preserve and foster racial diversity. Sponsored by Housing and Human Services Division.

### **Maryland's 2020 Program: Preserving the Chesapeake Bay**

Tuesday, 10:40 a.m.-12:00 noon

How state planning seeks to preserve the bay and influence local planning. Sponsored by Economic Development Division.

### **Plenary Luncheon**

Tuesday, 12:15 p.m.-2:30 p.m.

Luncheon speaker William H. Gray III served as the U.S. Representative from the Second District of Pennsylvania and was the House Majority Whip. He is now the President of the United Negro College Fund.

### **AICP Workshop**

### **The Planner's Role in Capital Improvements**

Tuesday, 3:00 p.m.-5:00 p.m.

Robert A. Bowyer, AICP, Planning Director of Lexington, Mass., emphasizes the role of the planner in one of local government's most important policy processes. He will discuss how to get from policy to planning to budgeting in nine easy steps: from wish list to bankruptcy.

### **Successful Citizen Surveys**

Tuesday, 3:00 p.m.-5:00 p.m.

How the planning agency can involve citizens in determining needs and opinions. The presentation will emphasize the practical, the dos and the don'ts, using a hands-on sample survey.

### **Evaluating Planning Agencies**

Tuesday, 3:00 p.m.-5:00 p.m.

There is an increasing interest in ensuring that planning agencies are effectively managed both administratively and programmatically. Review a variety of evaluation techniques, including peer review teams.

### **Scenic Highways**

Tuesday, 3:00 p.m.-5:00 p.m.

A look at scenic highway issues: safety, historic preservation, scenic qualities, designation standards, and management plans under present and proposed legislation. Sponsored by the Transportation Planning Division.

### **Zoning in Central Cities**

Tuesday, 3:00 p.m.-5:00 p.m.

Case studies of comprehensive revisions of old ordinances in New York City and Cleveland. In the case of New York there is a long history of innovation. In the case of Cleveland a new approach has been used for organizing the ordinance.

### **Using Video and Cable TV**

Tuesday, 3:00 p.m.-5:00 p.m.

How planners in two different communities have used communication technology to educate and involve the community.

### **Helping Minority Communities Plan**

Tuesday, 3:00 p.m.-5:00 p.m.

How universities can provide technical assistance, from both



- faculty and students, to help
- minority communities plan
- their futures and develop
- economically.

### • **Hot Topics in Resort Communities**

- Tuesday, 3:00 p.m.-5:00 p.m.
- A resort planners roundtable on current issues, including affordable housing, preserving community character in the environment, public involvement, and how small staffs deal with big developments.
- Sponsored by the Resort and Tourism Division.

### • **The 1990 Affordable Housing Act**

- Tuesday, 3:00 p.m.-5:00 p.m.
- The National Affordable Housing Act of 1990 requires areas to develop a five-year comprehensive housing affordability strategy (CHAS) to receive direct federal funding for housing programs. Learn about the law, the components of CHAS, and how cities have responded. Sponsored by the Housing and Human Services Division.

### • **AICP Workshop Practical Solutions to Management Problems**

- Tuesday, 3:00 p.m.-5:00 p.m.
- This practical workshop, led by Frank C. Bucaro, is filled with one big idea—and dozens of little ones—to help you manage more effectively. Learn about tactics that work, cooperation and the feeling of equality, and when to do nothing.

### • **AICP Exam Review Course II**

- Tuesday, 6:00 p.m.-9:00 p.m.
- A review of the topics that have caused the most difficulty: planning theory and practice, and applying analytic methods. (See Monday, 6:00 p.m. to 8:00 p.m. for Part I.)

## • **Wednesday, May 13**

### • **AICP Workshop Dispute Resolution**

- Wednesday, 9:00 a.m.-12:00 noon
- A practical workshop on problem-solving and dispute resolution techniques planners can use everyday. Builds on the skills planners already possess. Exercises are based on situations found in traditional environments.

### • **AICP Workshop Improving the Site Plan Review Process**

- Wednesday, 9:00 a.m.-12:00 noon
- The Engineers and Surveyors Institute of Virginia has developed a program aimed at improving the permitting and site plan review process in local communities to keep processing time down, improve efficiency, and involve the various interests in the process.

### • **AICP Workshop Enhancing Your Influence**

- Wednesday, 9:00 a.m.-12:00 noon
- As a planner you want to get your ideas across and plans implemented. Susan Levering, a human resources consultant, will help you understand the skills and behaviors that will help increase involvement, achieve higher motivation levels, and gain personal empowerment.

### • **Bioregional Planning**

- Wednesday, 9:00 a.m.-12:00 noon
- Regional approaches to environmental and natural resource concerns provide the opportunity to accommodate growth while protecting critical resources through creative land-use controls.

### • **Planning History I**

- Wednesday, 9:00 a.m.-10:20 a.m.

- Sponsored by the American Society for City and Regional Planning History.

### • **Public Transportation in Minority Communities**

- Wednesday, 9:00 a.m.-10:20 a.m.
- Sponsored by the Planning and Black Community Division.

### • **National Flood Insurance Program**

- Wednesday, 9:00 a.m.-10:20 a.m.
- The National Flood Insurance Program is involved with a number of issues of interest to planners: establishing a national mitigation grant program, establishing a coastal erosion program, strengthening lender compliance provisions, and authorizing a community rating system. This represents the most significant change in legislation since 1973.

### • **Visioning with Children**

- Wednesday, 9:00 a.m.-10:20 a.m.
- A review of visioning projects conducted by educators to involve children in thinking about the future of their communities.

### • **The Global Puzzle**

- Wednesday, 9:00 a.m.-10:20 a.m.
- What are the planning implications of global warming and of international imbalances in trade, debt, and productivity? Lessons from other countries coping with these same global forces. Sponsored by Local Host Committee.

### • **Private Property vs. Public Benefit: A Debate**

- Wednesday, 9:00 a.m.-10:20 a.m.
- A debate between those who believe private property rights are absolute and those who favor strong land-use regulation. What is the right balance between these two important public values? Sponsored by National Trust for Historic Preservation.

### • **New York's Fair Share Siting Criteria**

- Wednesday, 10:40 a.m.-12:00 noon
- New York City has taken an innovative approach to the siting of LULUs and the distribution of land uses that are both welcome and unwelcome. Issues of social equity play an important part.

### • **Creating Community: One World?**

- Wednesday, 10:40 a.m.-12:00 noon
- Sponsored by Local Host Committee.

### • **Planning History II**

- Wednesday, 10:40 a.m.-12:00 noon
- Sponsored by the American Society for City and Regional Planning History.

### • **Grassroots Planning and Design**

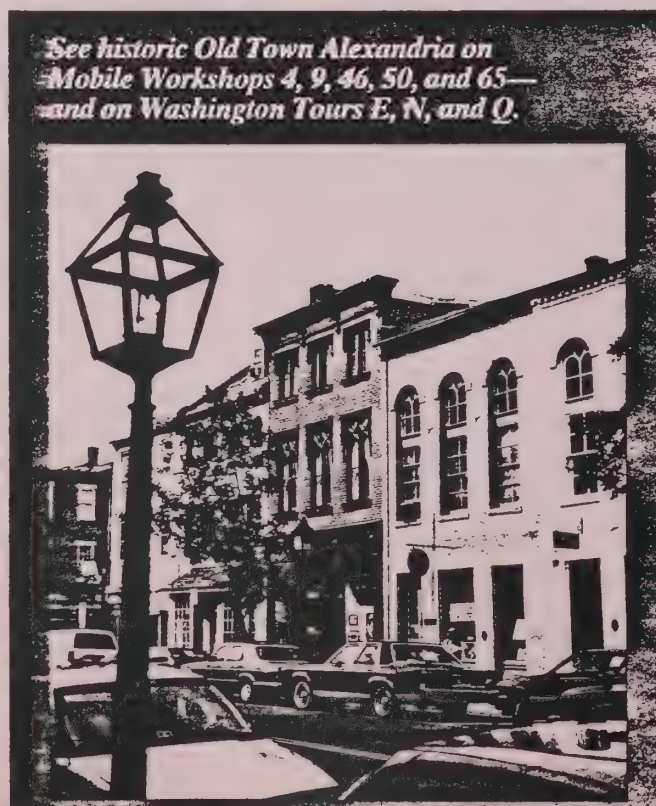
- Wednesday, 10:40 a.m.-12:00 noon
- Programs in Upstate New York and Amherst, Mass., involve community residents in making planning policy decisions, with special emphasis on educating the public on development issues.

### • **Internships and Work Cooperative Programs**

- Wednesday, 10:40 a.m.-12:00 noon
- A look at a national survey of planning schools about how students are provided practical experiences.

### • **The Blackstone River Valley Heritage Corridor**

- Wednesday, 10:40 a.m.-12:00 noon
- The Blackstone River Valley is one of the nation's richest and best preserved repositories of landscapes, structures, and sites from the age of industry. Find out how local, state, and federal policy and planning activities interrelate historic preservation, redevelopment, and planning and design guidelines.





# CONFERENCE REGISTRATION FORM

1992 APA  
NATIONAL  
CONFERENCE

Students and spouses use form on page 29.

Make check payable to/  
mail to: American Planning Association  
Lock Box 94343  
Chicago, IL 60678-4343

Please type or print in black ink; fill out a separate form for each registrant.

To qualify for the early rate, send (or fax) this form and your check, purchase order, or credit card information to APA by March 27. We can't register you until we get your payment.

Remember to send your Washington Tour form to the address shown on the form, not to APA. See page 17.

YES NO  
Your name for use on badge: last first AICP? Circle one

Title

Agency or company

Address

City

State

Zip

Work Phone

Home Phone

Fax number

APA member number



APA strives to provide meetings that are accessible to all. Please attach a separate sheet to tell us what accommodations we can make to help you fully enjoy our meeting.

## CONFERENCE REGISTRATION

Postmarked or faxed.....	By March 27	After March 27	Total
<input type="checkbox"/> Member	\$ 305	\$ 355	\$ _____
<input type="checkbox"/> Planning official of PAS subscriber agency	\$ 305	\$ 355	\$ _____
<input type="checkbox"/> Nonmember	\$ 405	\$ 455	\$ _____
<input type="checkbox"/> I would like to join APA and pay the member registration fee. See the dues schedule on page 30.	\$ 305	\$ 355	\$ _____
	+national dues	+national dues	\$ _____
	+chapter dues	+chapter dues	\$ _____
			\$ _____

OFFICE USE:

Date

CR

Am

## ADDITIONAL EVENTS

### Opening Reception Tickets for Guests

You will receive one ticket as part of your registration.

You may purchase tickets for those

not registered for the conference. \_\_\_\_\_ tickets at \$30 \$ \_\_\_\_\_

### Scholarship Luncheon

See details on page 8.

\_\_\_\_\_ tickets at \$30 \$ \_\_\_\_\_

### Washington After Dark

See details on page 7.

\_\_\_\_\_ tickets at \$25 \$ \_\_\_\_\_

### The Capitol Steps

See details on page 7.

\_\_\_\_\_ tickets at \$47 \$ \_\_\_\_\_

### Mobile Workshops

Circle the number of the mobile workshop you wish to attend. Fill in the total cost below. See page 10 for mobile workshop details and descriptions. Only one ticket per workshop may be purchased.

Sunday	1	2	3	4	5	6	7	8	9	
Monday	10	11	12	13	14	15	16	17	18	19
	20	21	22	23	24	25	26	27	28	29
	30	31	32	33	34	35	36	37	38	39
Tuesday	40	41	42	43	44	45	46	47	48	49
	50	51	52	53	54					
Wednesday	55	56	57	58	59	60	61	62	63	64
	65	66	67							

Mobile workshop total \$ \_\_\_\_\_

### Breakfast Sessions

Choose the session you wish to attend. Topics are listed on page 8.

A B C D E F G H I J K L M N O P Q R S

Breakfast session ticket \$12 \$ \_\_\_\_\_

### Orientation Tour

Indicate your first three choices for time of tour. See page 11.

A Saturday, 1:00 p.m.	I Sunday, 1:30 p.m.
B Saturday, 1:30 p.m.	J Sunday, 2:00 p.m.
C Saturday, 2:00 p.m.	K Monday, 9:00 a.m.
D Saturday, 2:30 p.m.	L Monday, 9:30 a.m.
E Sunday, 9:00 a.m.	M Monday, 10:00 a.m.
F Sunday, 9:30 a.m.	N Monday, 10:30 a.m.
G Sunday, 10:00 a.m.	O Tuesday, 9:00 a.m.
H Sunday, 10:30 a.m.	

1st choice \_\_\_\_\_ 2nd choice \_\_\_\_\_ 3rd choice \_\_\_\_\_

Orientation tour ticket \$15 \$ \_\_\_\_\_

## GRAND TOTAL

☐ Personal check ☐ Agency check Total enclosed \$ \_\_\_\_\_

☐ Purchase order ☐ MasterCard ☐ Visa

signature

card number

expiration



**CITY OF HAMILTON**

2.1

**- RECOMMENDATION -**

**DATE:** 1992 January 29

**REPORT TO:** Ms. Charleen Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P.Eng.  
Building Commissioner

**SUBJECT:** Commercial Facade Loan Programme  
640 Concession Street, Hamilton

**RECOMMENDATION:**



That the Commercial Facade Loan approved by City Council for Dr. William Cowan, 640 Concession Street on 1990 December 11 be rewritten at 4% interest rather than 6 5/8%. The \$15,000. loan has not been advanced as of this because of problems in the owner obtaining an Encroachment Agreement.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Building Department, Loans Division, recommended approval of a Commercial Facade Loan to Dr. W. Cowan in the amount of \$15,000. The loan was amortized over 10 years at one-half of the City's prime lending rate in 1990. The monthly payment was \$171.30 at 6 5/8%. The Planning and Development Committee and City Council approved the application 1990 December 11. The work contracted to be undertaken was the installation of a new storefront.

As of this date, the City has not issued any money based on the application because the owner must enter into an Encroachment Agreement with the Region before a Building Permit can be issued. We understand that the application has been made and approval is expected shortly. In the meantime Dr. Cowan has asked the City to renegotiate the interest rate since rates have fallen.



The Loans Section has reviewed the application and because of the delay and the fact no money has been issued, we are prepared to recommend the new rate of one-half the City's Prime at 4%. This represents a considerable savings to Dr. W. Cowan over the term of the loan as the monthly payment will now be \$151.89.

The Building Department therefore recommends that the application be rewritten at 4% rather than the 6 5/8% previously approved.

**CITY OF HAMILTON**

2.2  
**FEB 11 1992**

**- RECOMMENDATION -**

**DATE:** 1992 February 11

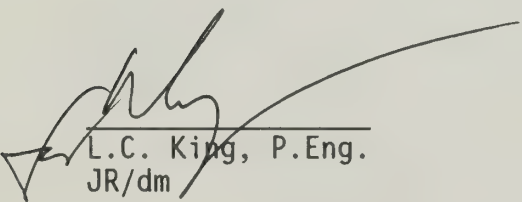
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King  
Building Commissioner

**SUBJECT:** Hamilton Rehabilitation Loan Programme -  
T. Dolan, 31 Frederick Avenue, Hamilton

**RECOMMENDATION:**

That for hardship reasons, the Building Department, Loans Division, refinance a loan under the Hamilton Rehabilitation Loan Programme for Mr. T. Dolan, 31 Frederick Avenue, Hamilton, at 3% interest for another five (5) years rather than the City's prime lending rate.



L.C. King, P.Eng.  
JR/dm

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The terms of the Hamilton Rehabilitation Loan Programme provide initial financing at 3% based on a fifteen year amortization period. At the end of the first five years, the loan is refinance at the City's prime rate which is presently 7.5%. The loan is then reviewed for the final five years.

Mr. T. Dolan, 31 Frederick Avenue, approached the City and requested some form of assistance as his wife recently passed away and his income has dropped considerably. The first five years has passed and we asked if he could afford to continue to make the existing payments of \$51.83 based on 3% interest. Mr. Dolan indicated he could.

The Department, therefore, recommends that the loan be refinanced at 3% and amortized over ten years with a further review in five years. The monthly payments will be \$51.83.





3.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 13

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

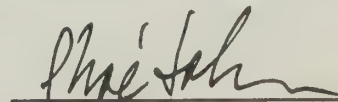
**FROM:** Ms. P. Noé Johnson  
City Solicitor

**SUBJECT:** Second Phase Civic Square Limited assignment of  
Ground Lease to Second Phase Enterprises Inc. and to  
Masbro Development Limited  
Our File No. 1-45/90.3

**RECOMMENDATION:**

That the request of Second Phase Civic Square Limited, lessee of Phase II, Lloyd D. Jackson Square for the City's approval as lessor to assign the Ground Lease dated November 19, 1975 to Second Phase Enterprises Inc. and to Masbro Development Limited be granted subject to the following:

- a) that the said two lease assignees enter into the Assignment of Ground Lease Agreement in the form annexed hereto as Schedule "A" (with the City and Second Phase Civic Square Limited) to assume all obligations of Second Phase Civic Square Limited to the City under the Ground Lease and to provide assurances to the City that the assignees will be bound by and perform the Ground Lease;
- b) that the two lease assignees enter into the "Consent to Assignment of Agreements" - Agreement in the form annexed hereto as Schedule "B" to assume the obligations of Second Phase Civic Square Limited to the City under the agreements listed therein including the Hotel Interface Agreement and the Bay Street Truck Tunnel Agreement;
- c) that the City receive the Certificate of an Officer of Second Phase Civic Square Limited and of the two assignees in a form satisfactory to the Law Department confirming that The Standard Life Assurance Company and the shareholders of Yale Properties Ltd. (who together presently control Second Phase Civic Square Limited) each control one of the assignees.

  
P. Noé-Johnson, City Solicitor

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

This transaction will not alter the approved rental rates payable to the City under the Ground Lease. The City is neither assuming any obligations nor releasing any obligations of the lessee under the Ground Lease.

***BACKGROUND:***

By Ground Lease dated November 19, 1975 the City as owner of the land in Jackson Square leased the land now occupied by the Robert Thompson Building to Second Phase Civic Square Limited from November 19, 1975 to October 31, 2069. It is a requirement of this Ground Lease (sec. 12.01) that the lessee may not assign or otherwise deal with its interest under the Ground Lease which would divest Second Phase "of all or substantially all of its interest in the demised premises...without the leave of the lessor" (the City).

Second Phase Civic Square Limited is owned and controlled by two principals namely the owners of Yale Properties Limited and The Standard Life Assurance Company. The two owners of Second Phase wish to have the Ground Lease transferred by Second Phase to their respective subsidiary companies in order to allow each principal to better arrange its business affairs under the Income Tax Act. Among the accounting profession, this transaction is referred to as a "butterfly" transaction.

Although the above transfer of Ground Lease will leave the Ground Lease under the control of the same two principal owners that now control Second Phase Civic Square Limited, under the terms of the City's Ground Lease, this transfer by Second Phase of its Ground Lease requires the City's approval as lessor. This transaction does not affect the City's two other long term Ground Leases in Jackson Square with First Phase Civic Square Limited and Fourth Phase Civic Square Limited.

In support of this application for the City's approval, in addition to the confirmation of share ownership referred to above, we are in receipt of the following:

- a) The Standard Life Assurance Company in-house appraisal dated December 2, 1991 appraising the market value of the Second Phase building at \$52,000,000;
- b) Mortgage Statement on outstanding balance of Second Phase Ground Lease Mortgage in the amount of \$13,276,355.73 as at January 15, 1992;
- c) Statement of Coopers & Lybrand dated February 5, 1992 explaining the income tax nature of the transaction.

The Director of Property and the Acting City Treasurer have reviewed with the Law Department the proposed transaction and are satisfied that this transaction will not prejudice or adversely affect the interest of the City as lessor in the Ground Lease of Phase II of Lloyd D. Jackson Square.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 13  
4498  
P5-4-46

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Response to The Commission on Planning and Development in Ontario  
(Sewell Commission) Goals

**RECOMMENDATIONS:**

- 1) That Planning and Development Committee recommend to Council that the Commission on Planning and Development in Ontario (Sewell Commission) be advised that the City of Hamilton:
  - a) supports the Commission's goals (see Appendix A attached):
    - i) on "Common Grounds" in their entirety;
    - ii) of the Urban Working Group, with the exception of goals 2, 4 and 5, under "Goals Regarding Process". Official Plans must be flexible and adaptable to change to reflect the dynamics of the society in which we live. Goal 3 must be broader to include not just the public, but **all** the stakeholders, including the public. These goals should support decision making at the level of government closest to the public, and therefore most accountable; and,
    - iii) of the Urban Fringe Working Group including goals 1, 2 and 3 (which are applicable to the City of Hamilton);
  - b) request the Commission to:
    - i) direct the Province to delegate more areas of authority regarding policy development, except where there are issues of Provincial interest (i.e. fruitlands, prime agricultural land), and planning approvals to municipalities,

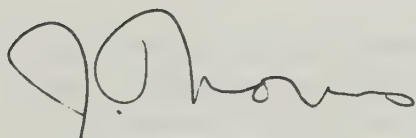


- ii) review the role of provincial policy statements in the planning process, including ways in which municipalities, the public and other interested parties are, or should be involved in the formulation of policies expressing a Provincial interest;
- iii) develop a statement of purpose for The Planning Act, and identify components of the Act which would be more appropriately placed in a regulation;
- iv) recommend ways in which the processes which govern individual pieces of Provincial legislation could be consolidated to reduce duplication and delay, and to promote good decisions based on a comprehensive examination of the issues;
- v) in consultation with local governments review the planning functions of municipal and provincial agencies, and recommend structural changes which would permit efficient, integrated and effective development and implementation of local policy initiatives and enhance public accessibility within the process at one level of planning;
- vi) investigate ways to enhance the ability of municipalities to implement local policies, such as: providing municipalities with right-of-entry and more effective heritage controls; assisting municipalities in establishing community development corporations or community land trusts; allowing municipalities to provide incentives to encourage environmental protection and other desirable activities; and, permitting/encouraging municipalities to use innovative financing tools for community renewal projects;
- vii) redefine official plans as visionary and policy documents that address social, environmental and economic issues in a land use planning context;
- viii) provide more direction, through The Planning Act, on the official plan's purpose and philosophy, minimum requirements, specific matters to be addressed, degree of specificity, and relationship to the budget process, and other policy and regulatory documents;
- ix) examine the implications of, and make recommendations on radically restructuring the Ontario Municipal Board and improving time frames for hearings while maintaining the opportunities for objectiveness, fairness and legal rights;
- x) investigate creative ways to improve the development process such as: modifying the notification requirements for Official Plans to be consistent with zoning by-laws; allowing for conditional approvals (e.g. zoning, site plan approval) with a time limit; introducing a time limit for submissions of appeals where Council denies an application; allowing for conditional uses subject to fixed rules/criteria; giving circulated agencies, particularly

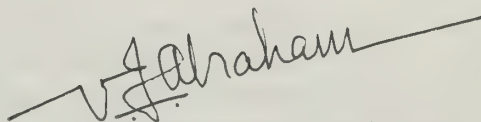


the Provincial departments, a specific time period to comment on applications; accountability for decisions should be at the lowest level (i.e. Council) with fewer referrals to the Ontario Municipal Board (only where there is a declared Provincial interest); delegating approval process for minor applications (e.g. conversions, parking lots) by a sub-committee or appointed municipal representative;

- xi) investigate ways in which planning legislation, professional planners and private developers could improve opportunities for the community to effectively engage in planning and development in a conciliatory, as opposed to an adversarial manner; and,
  - xii) continue the present goal setting exercise within the context of a broader review of the planning system and ways to improve it.
- 2) That the Clerk be requested to forward this report to the Sewell Commission and the Hamilton-Wentworth Region.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning & Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

#### ***BACKGROUND:***

The Commission on Planning and Development in Ontario (Sewell Commission) was established in June 1991 under the Public Inquiries Act. Summarized, the terms of reference of the Commission are:

1. to examine the relationship between the public and private interests in land use and development;
2. to inquire into, report upon and make recommendations on legislative change and other actions needed to restore confidence in the integrity of the land use planning system; and,
3. to consult widely, undertake research, foster dialogue and make recommendations on amendments to the Planning Act, 1983 and other relevant legislation and to undertake other actions needed to achieve its mandate.

The Sewell Commission proposes to fulfil its mandate through:

- defining land use and planning goals for Ontario;
- broadening the traditional scope of planning and more effectively integrating environment, energy, agriculture and heritage concerns into land use considerations;
- clarifying the relationships between the private and public sectors, and between the various levels of government; and,
- developing a picture of Ontario's development industry and its ability to work with different kinds of planning systems.

In Phase 1 of the Sewell Commission six working groups were established to set out draft planning goals for the following areas: urban, urban fringe, rural and small centres, Northeastern Ontario, Northwestern Ontario and cottage country (see Appendix A). The Commission held a series of public forums to hear public comment on these draft planning goals in January.

Phase 2 of the Commission will look at integrating the environment, heritage and energy concerns into planning. According to John Sewell "What we will be considering is not so much the details of the planning process, but rather the structure of the process." A draft report on Phase 2 is expected in the spring, with public forums held in May and June.

Phase 3 is intended to clarify the relationship between the private and public sectors, and between the various levels of government. A final draft report will be circulated from comment and there will be public hearings on the draft early in 1993.

### ***SEWELL COMMISSION GOALS***

The Commission initially identified two major issue areas which formed common ground for each of the six working groups: infrastructure; and, environment. In this regard, a total of seven "Common Ground" goals were identified by the Commission. Further, each of the six working groups have identified goals appropriate to their area of interest. Given the nature of the City, the only two which will be examined here are the "Urban Working Group" and the "Urban Fringe Working Group"(see Appendix A), apart from "Common Ground Goals".

The Urban Working Group identified in its statement of purpose that "The purpose of planning cities is to achieve healthy urban areas that are prosperous, safe, comfortable places to work and live, offering a wide range and balance of social, economic and cultural opportunities." To achieve this they have identified a number of policies to be pursued covering infrastructure, fair distribution of benefits, natural systems, remediation, risks, and extension of urban fabric.

The working group also identified five goals regarding process which support expeditious processing that is fair, open, accessible co-ordinated and efficient. While these goals can be supported in principle, there are three points which must be addressed:

- decision-making should be done at the level of government closest to the public, since it is most accountable;

- Official Plans **must** be adaptable to change in order to reflect the dynamics of a changing society. Goals 2, 4 and 5 (under "Goals Regarding Process") will greatly reduce the flexibility of the Official Plan and in fact, may provide a "straight jacket" to the process; and,
- while public input and participation in the planning process can be supported, it should not be limited to only the public, but **must** include all the stakeholders. (i.e. the public, special interest groups, departments and agencies at the local and Provincial level).

The Urban Fringe working group established their statement of purpose as "...planning in the Urban Fringe is to protect the integrity of the environment, sustain and enhance the ecosystem, ensure farmland is protected, and help urban areas have clear outer edges." Of the seven goals the first three, which relate to their statement of purpose, have relevance to the City and can be supported.

## ***PLANNING ISSUES***

Planning should guide development towards a desired future state. The planning process should lead to the articulation of clear community goals and the marshalling of resources to achieve them. To be successful, the process of generating and implementing community goals must be supported by:

- Provincial legislation, policies and practices related to planning;
- the structures and authorities of municipal government related to planning;
- official plans;
- the approvals process; and,
- the relationship between the public and private interests.

## ***Provincial Legislation, Policies and Practices***

In the 1950s and 1960s, the Province had to take a strong role in municipal planning because municipalities lacked the staff resources and sophistication necessary to properly deal with municipal planning issues and development approvals. This situation started to gradually change in the 1970s, and today many municipalities, such as regions and cities, have developed staff expertise and decision making processes that often eclipse the abilities of the Province. However, the Province has been reluctant to recognize and address this situation.



If the Province is sincere about streamlining bureaucracies, then recognition of municipal abilities through delegation or evolution of planning authority is essential. The Sewell Commission should therefore:

- i) direct the Province to delegate more areas of authority regarding policy development and planning approvals to municipalities, except where there are issues of Provincial interest (i.e. fruitlands, prime agricultural lands).

The Planning Act provides for provincial policy statements on land use and gives the Province authority to declare a matter of provincial interest. However, provincial policy statements fail to provide clear, firm policy guidance. For example, the wetlands policy statement is still only a draft after almost seven years. On the other hand, the housing policy statement is a "knee jerk" reaction to a perceived housing crisis largely centred in the Greater Toronto Area. If the Province is to provide clear direction to municipalities, provincial policy papers should be prepared in consultation with municipalities and other interested parties for all areas of Provincial concern. Alternatively, the Province should adopt different mechanisms for expressing their intent in areas of Provincial interest. Therefore, the Sewell Commission should:

- ii) review the role of provincial policy statements in the planning process and review the ways in which municipalities, the public and other interested parties are, or should be involved in the formulation of policies expressing a Provincial interest.

The Planning Act suffers from the lack of an overall statement of purpose. The Sewell Commission is perhaps attempting to respond to this situation through its goal setting exercise. On the other hand, much of what is in the Planning Act is more akin to regulation. Matters such as notice and appeal provisions should be placed in a regulation which can be easily adapted to changing circumstances. Therefore, the Sewell Commission should:

- iii) develop a statement of purpose for the Planning Act and identify components of the Act which would be more appropriately placed in a regulation.

A multiplicity of Provincial legislation governs planning decisions, such as the Planning Act, the Environmental Protection Act, the Niagara Escarpment Plan, the Parkway Belt West Plan, and the Heritage Act. The processes which govern these individual pieces of legislation are not integrated, resulting in duplication and delay, as well as detrimentally affecting the ability to make good decisions based on a comprehensive examination of the issues. The Sewell Commission should:

- iv) recommend ways in which the processes which govern individual pieces of Provincial legislation can be consolidated to reduce duplication and delay, and to promote good decisions based on a comprehensive examination of the issues.



### *The Structures and Authorities of Municipal Government Related to Planning*

Fragmentation of the planning function among numerous regional, area municipal, and other agencies, makes it difficult both to establish a set of cohesive community goals and to develop policies to achieve these goals. Within the City, powers are divided amongst Council, school boards, regional offices of provincial ministries, police boards and so on. In order to reduce existing administrative inefficiencies and permit integrated policy implementation, the Sewell Commission should:

- v) in consultation with local governments review the planning functions of municipal and provincial agencies, and recommend structural changes which would permit efficient, integrated and effective development and implementation of local policy initiatives.

In addition to structural changes at the local level, new mechanisms are required to permit municipalities to implement policies. There are many examples of areas where municipalities, exercising authority provided by the province through legislation, establish policies for which they lack the ability to implement effectively. For example, municipalities are not provided with the power, through right of entry, to effectively inspect buildings and enforce their zoning by-laws. Another example is the Provincial Land Use Planning for Housing Policy Statement which requires municipalities to provide the opportunity for 25% affordable housing, but does not provide municipalities with the tools (such as development dedications or community land trusts) that could be used to plan for affordable housing. Therefore, the Sewell Commission should:

- vi) investigate ways to enhance the ability of municipalities to implement local policies, such as: providing municipalities with right-of-entry and more effective heritage controls; assisting municipalities in establishing community development corporations or community land trusts; allowing municipalities to provide tax exemptions to encourage environmental protection and other desirable activities; and, permitting/encouraging municipalities to use innovative financing tools for community renewal projects.

### *Official Plans*

The Planning Act defines official plans as legal documents "containing objectives and policies established primarily to provide guidance for the physical development of a municipality or part thereof..., while having regard to relevant social, economic and environmental matters." Given the need for a comprehensive, integrated policy document at the local level to address complicated issues, and given the many relationships between economic and social issues and land use, the Sewell Commission should:

- vii) redefine official plans as visionary and policy documents which address social, environmental and economic issues in a land use planning context.

The Planning Act provides limited direction on the purpose and philosophy of plans, what minimum requirements should be included in plans, the appropriate level of policy detail, what specific matters should be addressed, and the relationship of plans to implementing mechanisms such as the budget process and ancillary policy and regulatory documents. On the other hand, the comments of staff of the Ministry of Municipal Affairs reviewing Official Plans often limits municipal flexibility in addressing local issues. To clarify the roles of the Ministry of Municipal Affairs and other Provincial ministries, and to provide more consistent leadership on the nature of official plans, the Sewell Commission should:

- vii) provide more direction, through The Planning Act, on the official plan's purpose and philosophy, minimum requirements, specific matters to be addressed, degree of specificity and relationship to the budget process and other policy and regulatory documents.

### ***Approvals Process***

A good approvals process should facilitate decision-making in a reasonable amount of time. The amount of time which is reasonable depends upon the complexity and importance of the issues involved.

The current system, emphasizing the need to provide 'checks and balances', has developed into a plethora of processes which often overlap in jurisdiction, result in unnecessary delays and fail to improve the quality of decisions. To improve the system, the Ontario Municipal Board and the development control system should be reviewed.

The Ontario Municipal Board provides citizens with a right to appeal the decisions of local councils. The OMB's appropriate role in the planning system is widely debated, both in terms of the rationale for its existence and in terms of its mode of operation. Arguments against the OMB centre on the belief that Council, whose members are democratically elected by the community, should be the final decision maker in land use related matters. On the other hand, it is argued that checks and balances are what makes a system accountable and that removing the appeal body would place too much power on local councils. In terms of its operation, criticisms range from the length of time required for appeals to be heard, to the adversarial approach taken to issues, to the frivolous nature of many appeals. Therefore, the Sewell Commission should:

- ix) examine the implications of, and make recommendations on radically restructuring the Ontario Municipal Board while maintaining its objectiveness, fairness and legal rights.

The development control system was established to provide a clear, fixed, unambiguous set of rules governing use and activity. A set of fixed rules limits opportunities for flexibility and creativity. There is a critical need to increase the efficiency of decision making without compromising good planning.



Therefore, the Sewell Commission should:

- x) investigate creative ways to improve the development process such as: modifying notification requirements for Official Plans to be consistent with zoning by-laws; allowing for conditional approvals (e.g. zoning, site plan approval) with a time limit; introducing a time limit for submissions of appeals where Council denies an application; allowing for conditional uses subject to fixed rules/criteria; giving circulated agencies, particularly the Provincial departments, a specific time period to comments on applications; accountability for decisions should be at the lowest level (i.e. Council) with less referrals to the Ontario Municipal Board (only where there is a declared Provincial interest); delegating approval process for minor applications (e.g. conversions, parking lots) by sub-committee or appointed municipal representatives.

### *The Relationship Between the Public and Private Interests*

The planning and development process should build and strengthen communities by the public into the process whose cooperation is necessary and who will be affected by decisions. Some of the characteristics of a system which protects the public interest through involving the community in the planning process are: individuals are empowered, regardless of economic circumstance; the process is fair to small developers and the public; the public is educated and informed about broad planning issues; the social, cultural, historical and economic characteristics of existing communities are supported and enhanced; and, the public participation process leads to the articulation of clear community goals and the marshalling of resources to achieve them.

The current system often promotes conflict between the private and public interest, rather than fostering the involvement of the community in projects. Some of the characteristics of the conflict between the private interest and the public good in the current system are:

- developers see the planning approval process as an impediment to their plans or desires, rather than as a way to ensure that their development helps to achieve community goals;
- there is a win-lose approach to OMB hearings, rather than a conciliatory approach seeking solutions which may be satisfactory to all parties;
- the public often fails to become involved in planning unless a development directly affects them and their perceived 'property rights';
- developers and the public generally perceive planning as bureaucratic and ineffective; and,
- environmental and social concerns are discussed in broad terms, but urban sprawl, with its recognized social and environmental consequences, continues to characterize most modern development.



To improve the current system, the Sewell Commission should:

- xi) investigate ways in which planning legislation, professional planners and private developers can expand the opportunities for the community to effectively engage in planning and development in a conciliatory rather than an adversarial manner.

## CONCLUSION:

The Sewell Commission should continue with its goal setting exercise within the context of a comprehensive review of the existing system, including a review of: Provincial legislation, policies and practices related to planning; the structures and authorities of municipal government related to planning; official plans; the approvals process; and, the relationship between the public and private interests. This will help to ensure that the resultant goals have the consistency, clarity and rationale necessary to guide planning in the future. Therefore, the Commission should:

- xii) continue the present goal setting exercise within the context of a broader review of the planning system and ways to improve it.



## **Appendix A**

**Commission on Planning and Development in Ontario**

**Draft Goals**

## **COMMON GROUND**

### **Infrastructure**

1. Most new development will occur on lands served by municipal water and sewage infrastructure. Uses such as residential, commercial and industrial projects and subdivisions not dependent on a rural location will be directed to areas where municipal water and sewage service are, or will be, available.
2. Decisions regarding infrastructure and development will respect and strengthen existing cultural and historical patterns such as important natural and archaeological features, roads, buildings, neighbourhoods, settlements and tree lines.
3. The use of septic tanks for new development will be discouraged and, in the expectation that alternatives will be developed, will be prohibited after January 1, 1996.

### **Natural Environment**

1. The integrity of the natural environment and ecosystems will be protected, sustained and enhanced, and to this end wetlands, recharge areas, ravines, river valleys, streambelts, floodplains, significant woodlots and special natural features will be identified, evaluated and protected before decisions about development are made; and development will not be permitted in these areas. Development will not be permitted if it detrimentally affects the integrity of areas of natural and scientific interest, fish and wildlife habitats, natural landscapes. Development will not be permitted on lands adjacent to the lands and features included in this statement if it adversely affects them.

To further clarify where development is restricted or not permitted, municipalities shall plot such areas on maps.

2. To maintain natural shorelines and to protect water quality, shoreline vegetation and vistas, setbacks of at least 20 meters will be required.
3. Changes will ensure that ground and surface water quality and quantity and air quality are protected. Changes that result in the ecological carrying capacity of lakes and waterways being exceeded will not be permitted.
4. Where there is on-site deterioration or impacts, development must remediate the quality of air, water and soil.

### **Conformity**

It is our intention to require that all provincial and municipal actions and policies be in conformity with these goals.



## **URBAN WORKING GROUP**

The purpose of planning cities is to achieve healthy urban areas that are prosperous, safe, comfortable places to work and live, offering a wide range and balance of social, economic and cultural opportunities. Healthy cities are constantly changing, and planning should encourage and direct change in ways that increase the confidence that residents, employees and investors have in the life of the city.

The current challenge for cities is to retrofit existing urban forms, patterns, buildings and infrastructures to become more efficient while adapting to continued demographic and economic change and respecting and strengthening historic patterns; to protect the integrity of and, where appropriate, rehabilitate and restore natural systems, including water and air; and to strengthen a social environment amenable to a population diverse in customs and beliefs, an environment that encourages participation in the social, economic and political life of the city.

Healthy cities need strong and clear economic strategies predicated on a healthy environment, and as one part of these strategies, land-use planning can help secure public amenities including environmental rehabilitation.

This statement of purpose applies to all urban areas, whether or not they are formally called cities. It will be amplified in regulations under the Planning Act.

### **Policies to be Pursued to Achieve this Purpose:**

#### **1. Infrastructure**

Changes to cities must maximize the efficient use of public resources and infrastructure and must result in per capita declines in the use of energy and water.

These goals will be achieved by public policies and private initiatives that: permit and encourage both an intensity and diversity of uses of building types rather than low density, single-use structures and areas; increase the use of public transit and decrease the use of private automobiles; provide accommodation close to areas of significant employment; in areas of existing significant intensity of residential, employment or other uses, encourage changes that achieve a balance of uses; conserve water in daily life.

#### **2. Fair Distribution of Benefits**

Changes in cities must provide residents with a greater sense of security, belonging and participation in the health, wealth and cultural life of the city. This will be achieved by public and private policies and initiatives that ensure accommodation that is affordable by all residents and households; encourage the opportunity for all neighbourhoods to include residents diverse in ability, age income and race; support safe, vibrant, public streets, squares and spaces.

#### **3. Natural Systems**

Changes in cities must protect wetlands, rivers and streams, and other significant natural areas.

**4. Remediation**

Where appropriate because of on-site deterioration or impacts, changes in cities must remediate the quality of air, water and soil.

**5. Risks**

Changes in cities involve risks, to both the public and the private sectors. The goal is a fair balance of shared risks and opportunities and will be achieved by gathering, widely distributing, and considering information on current conditions and future effects; long range planning done by or for the city; public, open consideration of development proposals.

**6. Extension of Urban Fabric**

The addition of new land to the urban fabric through development must satisfy the goals outlined above. This will be done by public policies and private initiatives that, among other things: achieve a level of residential, commercial and public development density, making efficient use of normal city infrastructure; create a diversity of uses; integrate and support transit service.

**Goals Regarding Process:**

1. Decision-making processes at all levels should render final decisions in a timely fashion, through a process that is fair, open, accessible, co-ordinated and efficient.
2. Planning decisions generally involve two activities; the establishment of planning policy; and the implementation of that policy.

Once established, planning policies should not be subject to constant change, but should endure over time to provide a coherent, long range, predictable guide to the future of the municipality. as a result, the implementation of planning policies, whether as-of right or upon application by landowners, should have predictable results capable of expeditious determination.

3. The reconsideration of general plans must be done in such a way as to permit the participation of the public in the deliberations. Changes within general plans must permit participation appropriate to the degree of change contemplated.
4. To ensure the greatest predictability possible regarding development approval and to ensure that development approval energy is directed to changes which, in the context of the neighbouring part of the city, can be considered substantive, cities will have responsibility for defining those changes to uses and built form that can occur without requiring Council approval. This will be done by cities being as explicit as possible about the physical form of new buildings permitted without individual planning review.
5. Official plan amendments will be the exception rather than the rule, because most strategic decisions will be made in the five-year review.



## **URBAN FRINGE WORKING GROUP**

The purpose of planning in the Urban Fringe is to protect the integrity of the environment, sustain and enhance the ecosystem, ensure farmland is protected, and help urban areas have clear outer edges.

### **To achieve these goals:**

1. Development will not be permitted on the following lands: wetlands (at least Class 1-3), recharge/discharge areas, ravines, river valleys and natural corridors, significant woodlots, special natural features, environmentally sensitive areas and ANSI's (areas of natural and scientific interest); and development shall be permitted in adjacent lands only if the integrity of these lands is protected. Conservation uses which enhance these areas may be permitted in appropriate circumstances.

In conjunction with Conservation Authorities and the Ministry of Natural Resources, municipalities shall define and map the lands mentioned in this section, and include them with appropriate policies in the Official Plan.

2. Urban areas shall have clearly defined borders, and new urban additions will make efficient use of existing and new infrastructure.

Development will only be permitted beyond areas now with draft subdivision plan approval (or with urban zoning where there is no plan of subdivision) if the following conditions are met:

- a) Municipalities shall not include Class 1-3 farmlands and specialty crop areas within the urban area boundary unless it is clear there is no practical alternative to permit growth reasonable anticipated in the next twenty years.
- b) Municipalities shall prepare a twenty year plan to meet urban needs, including a plan for the development and funding of infrastructure and servicing in the area to be included.
- c) Policies have been put in place permitting intensification to medium density throughout the urban area, subject only to site plan approval or performance standards.
- d) Policies have been put in place encouraging balanced self-sufficient communities including inclusive zoning methods to create an appropriate supply of housing affordable to those who work and live in that community, and proposals to minimize automobile commuting to and from work.
- e) In the area to be included, an appropriate mix of uses are permitted and residential densities will be sufficient to efficiently support services such as transit, schools and ambulances. Such density should be at least 15 units per net residential acre unless it can be conclusively demonstrated that a lesser density can achieve the objective. In slow growth communities of less than 5,000, it may be appropriate to allow lower density.



3. The municipality shall consider applications to extend the urban area boundary only during each five-year review of its Official Plan.
4. Scattered residential, industrial and commercial uses will be strongly discouraged in the urban fringe, and will be directed to areas where municipal water and sewage services are or will be available. Council will consider applications for scattered uses only during the five-year review of the Official Plan.
5. Decisions regarding infrastructure and development in the urban fringe will respect and strengthen cultural and historical patterns and features such as roads, tree lines, important natural features, and settlements.
6. A diversity of agricultural, rural and non-urban uses will be encouraged in the urban fringe.
7. It is recognized that fair transition practises should accompany the changes in policies outlined in these goals.

The group was unable to agree on whether specialty crop areas should be given the protection from development agreed to for those lands included in paragraph 1, above.

## **RURAL/SMALL CENTRE WORKING GROUP**

### **Statement of Purpose:**

The purpose of planning in rural areas and small centres is to support and enhance the social, economic and cultural vitality of rural areas and small towns; to protect natural environments, ecosystems and the rural landscape; and to preserve, manage and enhance the rural resource base.

### **The following goals amplify this statement:**

1. **Social, economic and cultural vitality. To support and enhance the social, economic and cultural vitality of rural areas and small towns:**
  - a) Development in rural areas will be directed to existing settlements;
  - b) Development in the countryside will be the exception rather than the rule, and such development will be permitted only where it does not impinge on other goals set out herein;
  - c) A range of housing and employment opportunities will be created as an alternative to urban living;
  - d) Changes will complement and strengthen significant historical, cultural and natural features; and
  - e) The existing infrastructure will be efficiently used, and new infrastructure, including transportation, communication, utility, water and sewer systems,

will be located, designed and managed to conform to these goals.

2. **Ecosystem and Landscapes. To protect natural environments, ecosystems and the rural landscape:**
  - a) Changes will not reduce ground and surface water quality or quantity, or reduce air quality;
  - b) Changes will protect the integrity of, and not occur on Wetlands Classes 1-3, or on areas of natural and scientific interest. Changes will not detrimentally affect other natural features such as shorelines, bodies of water, woodlots, animal and fish habitats, vistas or defined areas of beauty;
  - c) Where appropriate, development will be used as a tool for the preservation of natural features and for the remediation of existing on-site deterioration of the quality of air, water or soil.
3. **Rural resource base. To preserve manage and enhance the rural resource base:**
  - a) Agricultural land, Classes 1-3, and other high priority agricultural land will be protected for future agricultural use.
  - b) In exceptional cases where no alternative lands are available for the expansion of an existing rural community, agricultural land protected in the preceding paragraph may be used for development provided residential density is five units per net acre or more.
4. **Process. To ensure that the planning process affords a high degree of responsible decision-making within these goals, and to ensure that the planning process functions quickly and efficiently:**
  - a) More timely public input and more effective ways of incorporating such input will be mandated;
  - b) Adequate information will be made available to the public and to decision-makers. This may include: providing funding or resource people to assist in information gathering or dissemination; and requiring that full information be made available to all concerned prior to any appeal being considered by the Ontario Municipal Board or other body;
  - c) Municipalities, regional governments and the provincial government will prepare appropriate plans for long-term strategic and integrated land use, including economic, resource, fiscal, infrastructure and environmental plans;
  - d) The development approval process will be streamlined for those projects meeting planning goals and strategic plans; and
  - e) Engineering standards will respond positively to environmental and aesthetic concerns.

Note: The Commission also published planning goals for Northwestern Ontario and intends to publish goals for Northeastern Ontario





5.

CITY OF HAMILTON

FEB 12 1992

- RECOMMENDATION -

**DATE:** 1991 February 12  
(ZA-91-40)  
Chapple East Neighbourhood

**REPORT TO:** Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a change in zoning - lands located at Nos. 478 and 488 Rymal Road East.

**RECOMMENDATION:**

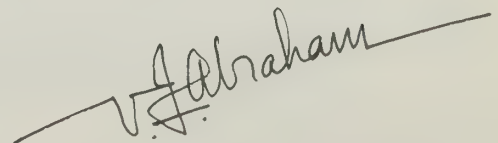
That amended Zoning Application 91-40, Frank Toth, Tony Di Franco and Angelo Coca, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family development, on property located at Nos. 478 and 488 Rymal Road East, as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

- i) It conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "LARGER LOTS" under the " SINGLE and DOUBLE RESIDENTIAL" designation;
- ii) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "LARGER LOTS". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities..."

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "LARGER LOTS".



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V.J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

It is the applicant's intention to develop the subject lands in accordance with a draft plan of subdivision with single-family homes on lots ranging in area from 365m<sup>2</sup> (3,930 sq. ft.) to 512m<sup>2</sup> (5,510 sq. ft.), with minimum lot frontages of 12.0m - 15.7m (see Appendix "B").

- Amended Application

On August 26, 1991 a meeting was held with the applicant's agent to consider a revised plan which provided for 19 single-family lots under a "C" zoning, as opposed to the previous submission to provide for 7 small lots under a "R-4" zoning, and 13 lots under a "C" zoning. In conclusion, the applicant was advised that the proposal did not meet the intent of the approved Chapple East Neighbourhood Plan, or provide for an acceptable transition of lot sizes for future development to the east.

In a letter dated September 11, 1991, the applicant's agent advised that "our clients are not prepared to propose still larger lots within the proposed plan", and wished to proceed with an amended application to provide for a change in zoning for the 19 lots from "AA to "C" (see Appendix "C").

- Neighbourhood Plan

The subject lands are designated for "LARGE LOTS" under the "SINGLE and DOUBLE RESIDENTIAL" designation on the approved Chapple East Neighbourhood Plan. The Chapple East Neighbourhood Plan was approved as development policy by the Planning and Development Committee at its meeting held on November 1, 1989, and the Plan was adopted by City Council on November 14, 1989.

- Planning and Development Committee Meeting

On January 8, 1992 the Planning and Development Committee denied the subject application for the reasons set out in the recommendation of this report. As the applicant was out of the Country at the time, and his solicitor was not aware that the application was scheduled before the Committee, he requested that the matter be reconsidered. Subsequently, City Council at its meeting held on January 14 referred this item back.

- Applicants Submission

The applicants Planning Consultant has prepared a submission in support of the application (see APPENDIX "D").

***APPLICANT:***

Frank Toth, Tony DiFranco, and Angelo Coca, owners.

***LOT SIZE AND AREA:***

The rezoning involves the rear portion of the applicant's holdings which have:

- 74.764m (245.28 ft.) of lot width;
- 153.5m (503.60 ft.) of lot depth; and,
- 11,476.27m<sup>2</sup> (123,523 sq. ft.) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"AA" (Agricultural) District
to the south	vacant	"AA" (Agricultural) District
to the east	single-family dwellings and vacant lands	"AA" (Agricultural) District
to the west	vacant	"DE" (Low Density Multiple Dwellings) District



**OFFICIAL PLAN:**

The subject lands are designated "**RESIDENTIAL**" on Schedule A - Land Use Concept Plan of the Official Plan. The following policies would apply, among others:

- "A.2.1.1                      The primary uses in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
  
- A.2.1.8                      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
  
- C.7.2                         Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
  
- D.2.2                         The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN..."

The proposal conflicts with the intent of Policies C.7 and D.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

**NEIGHBOURHOOD PLAN:**

The subject lands are proposed for "LARGER LOTS" under a "SINGLE AND DOUBLE RESIDENTIAL" designation on the approved Chappel East Neighbourhood Plan. The proposal conflicts with the intent of the approved Chappel East Neighbourhood Plan. Should the application be approved, a neighbourhood plan amendment would be required to delete reference to the "LARGER LOTS" on the approved Chappel East Neighbourhood Plan.

**COMMENTS RECEIVED:**

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Hamilton Wentworth Police Department and TransCanada Pipelines have no comments or objections.

- The Hamilton Wentworth Engineering Department has advised that:

"There are external public watermain and separate storm and sanitary sewers available to service these lands. Internal servicing, widenings, etc. will be dealt with under the draft plan of subdivision for "Arrowhead Heights of Rymal".

#### **COMMENTS:**

1. The proposal conflicts with the intent of Policies C.7 and D.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.
2. The proposal conflicts with the intent of the Chappel East Neighbourhood Plan. Should the application be approved, a neighbourhood plan amendment would be required to delete reference to "LARGER LOTS" on the approved Chappel East Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:

- i) It conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "LARGER LOTS" under the "SINGLE and DOUBLE RESIDENTIAL" designation;
- ii) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "LARGER LOTS". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities...".

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "LARGER LOTS".

- iii) It should be noted, that with the exception of lot nos. 7 and 13, (see Appendix "B"), the proposed lots have frontages of 12-13m similar to standard "C" (Urban Protected Residential, etc.) District lots found in most subdivisions. The "Larger Lot" single-family type development contemplated by the Chappel East Neighbourhood Plan should provide for at least a "B-2" (Suburban Residential) District type zoning, with lots having a minimum lot width of 15.0m (49.21 ft.), and a minimum lot area of 540 m<sup>2</sup> (5,812.51 sq. ft.), as opposed to lots having a minimum width of 12.0m (39.37 ft.) and a minimum lot area of 360.0 m<sup>2</sup> (3,875.01 sq. ft.) under the "C" (Urban Protected Residential, etc.) District.

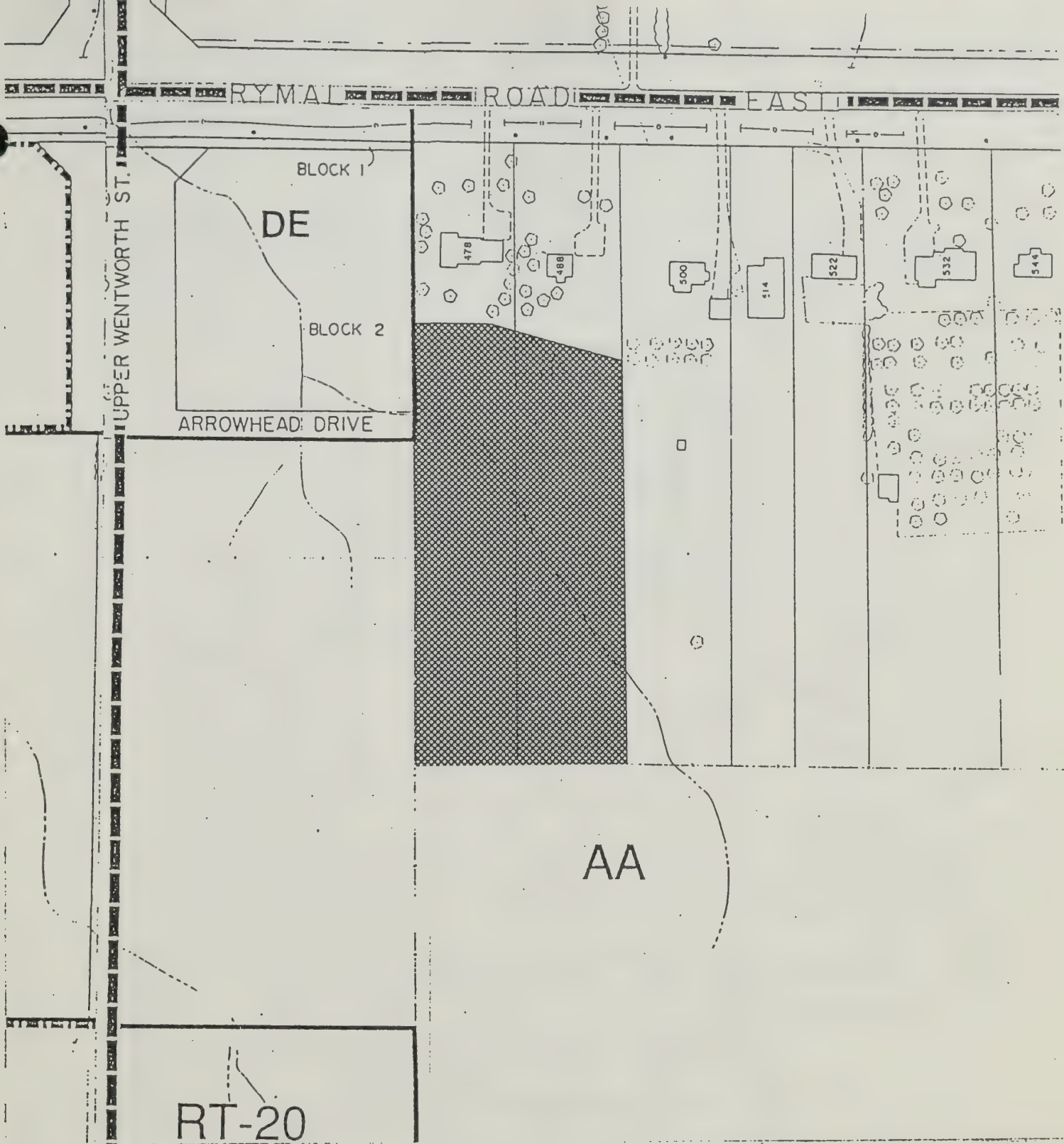
4. As the application is not being supported, a Public Meeting was not scheduled. In this regard, should the Planning and Development Committee decide to approve the application, the necessary Public Meeting should be scheduled to consider the zoning application and draft plan of subdivision (Arrowhead Heights of Rymal).

***CONCLUSION:***

On the basis of the forgoing, the application as submitted cannot be supported.

GAW/ma  
ZA9140

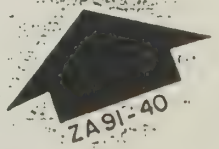




Legend



Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.



RDENS OF RYMAL  
1 PLAN 62M-678

LOCK 4

AMILY RESIDENTIAL

HEAD DRIVE

PART 2  
0.300 RESERVE  
62R-11311

PART 3  
PLAN 62R-11311

SKETCH TO ILLUSTRATE  
PROPOSED REVISION TO  
LOTS 8-14 INCLUSIVE  
IN

"ARROWHEAD HEIGHTS  
OF RYMAL"

DRAFT PLAN 25T-91009  
CITY OF HAMILTON

FUTURE RESIDENTIAL

STREET "A"

PRINTED

AUG 30 1991

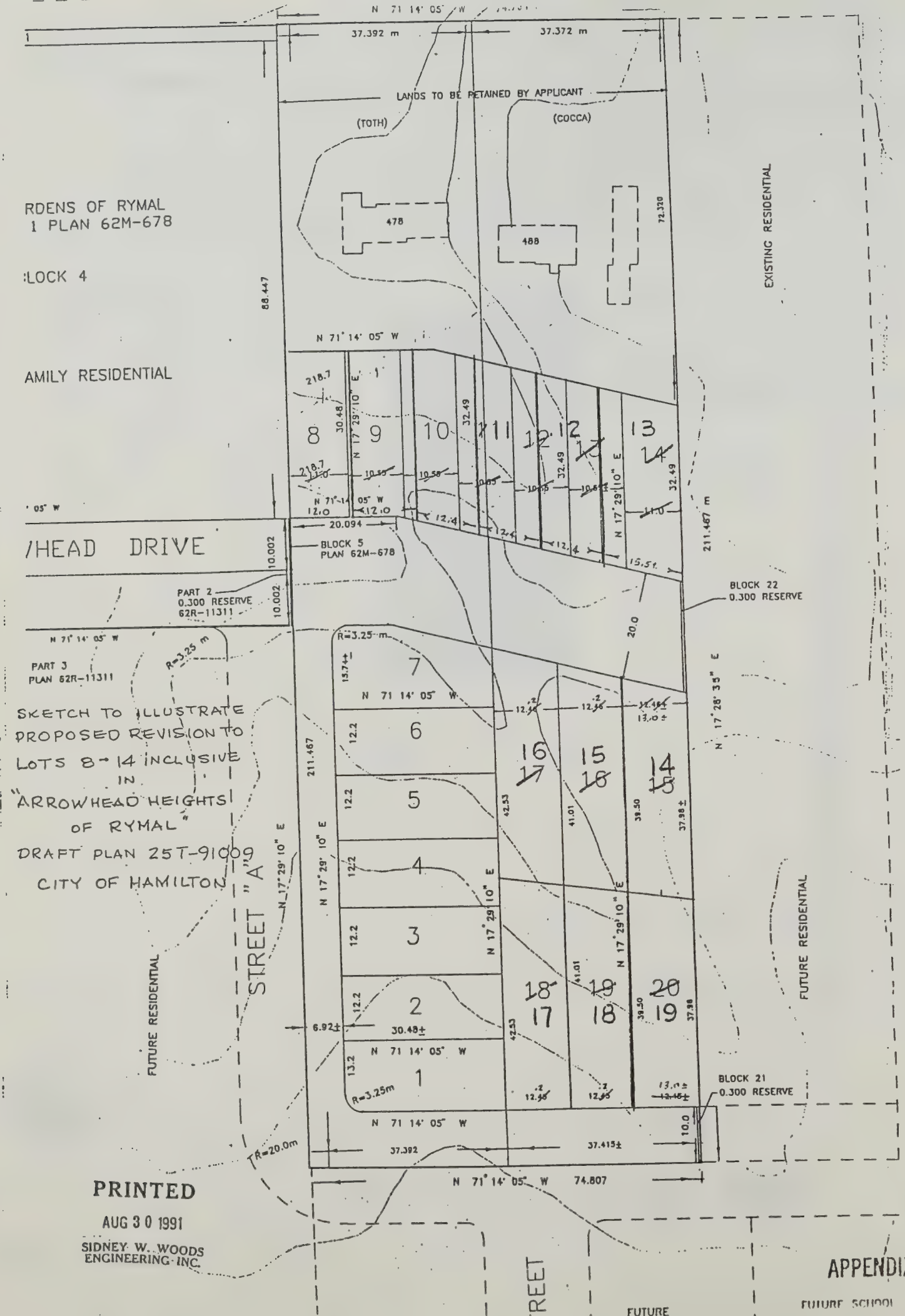
SIDNEY W. WOODS  
ENGINEERING INC.

REET

FUTURE

FUTURE SCHOOL

APPENDIX B



SCHEDULE OF APPROXIMATE LOT AREAS  
 ARROWHEAD HEIGHTS OF RYMAL  
 25T-91009 - CITY OF HAMILTON

REVISED LOT NUMBER	AREA m <sup>2</sup>	AREA FT <sup>2</sup> ±
8	365.	3930
9	366.	3930
10	380.	4170
11	388.	4175
12	388.	4175
13	478.	5150
14	504.	5420
15	490.	5280
16	512.	5510
17	512.	5510
18	490.	5280
19	504.	5420

MINIMUM C-ZONE AREA = 360 m<sup>2</sup>  
 " C - " FRONTAGE 12.0 m

SIDNEY W. WOODS  
 ENGINEERING INC

17/11/91 Aug 30.91  
 APPENDIX B



# SIDNEY W. WOODS

ENGINEERING INC.

Established 1949

Member:  
The Association of Professional Engineers of Ontario

Sidney W. Woods, O.L.S., P.Eng. (1904-1980)

S. Kenneth Woods, P.Eng.

John Morgante, P.Eng.

~~Prem K. Tewari, P.Eng.~~

Suite 400, 20 Jackson St. West

HAMILTON, Ontario L8P 1L2

Tel.: 52-WOODS (529-6637)

Fax: 529-3909

September 11, 1991

Regional Municipality of Hamilton-Wentworth  
Planning Department  
71 Main St. West, 7th Floor  
Hamilton, ON  
L8N 3T4

Att'n: Mr. Paul Mallard, M.C.I.P.

Dear Sir,

Re: Arrowhead Heights of Rymal  
25T-91009 Draft Plan  
City of Hamilton

Further to your advice of yesterday that your department cannot support our proposed revision to the above referenced draft plan which eliminated all lots which did not satisfy "C" zoning requirements.

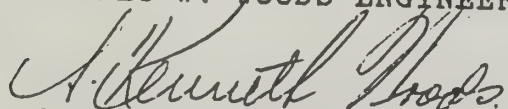
We are, to say the least, disappointed in your decision but our clients are not prepared to propose still larger lots within the proposed plan.

We would therefore request that the zoning application be amended by your department to change the previously proposed R4 designation to "C" for the lots on the north side of Arrowhead Drive.

We would also request that the amended zoning application be scheduled for review at the soonest available meeting of the planning committee.

We understand that it is unlikely that this zoning application can be scheduled for earlier than November 1st and we would appreciate your confirmation of the exact date in order that our clients can attend and speak to the committee.

Yours sincerely,  
SIDNEY W. WOODS ENGINEERING INC.

  
S. Kenneth Woods, P.Eng.

/ja

SEP 12 1991  
A-100 ✓  
PMM  
GW

APPENDIX C



February 6, 1992

Chairman and Members of the  
Planning and Development Committee

Subject: Zoning Application 91-40; Frank Toth,  
Tony Di Franco and Angelo Coca, owners; 478-488 Rymal Rd. E.

My clients intent to develop the rear portion of their two residential properties, with an area of 1.13 HA, in accordance with a draft plan of subdivision, for single-family detached dwellings, on lots ranging in areas from 365 M2 (3930 sq. ft.) to 512 M2 (5510 sq. ft.), and with lot frontages of between 12.0 M (39.3') to 15.7 M (51') (see Appendix "B"). The application proposes a rezoning from "AA" (Agricultural) District to "C" (Urban Protected Residential etc.) District.

On January 8, 1992, Committee decided to recommend denial of the application on the advice of the Planning Department for these reasons:

- "1) It conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "LARGER LOTS" under the "SINGLE and DOUBLE RESIDENTIAL" designation;
- ii) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "LARGER LOTS". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities...;

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "LARGER LOTS."

The application was put back on the agenda by Planning staff, at the request of Mr. J. Maziarz, the solicitor for the applicants, because my clients were not aware of the meeting due to the notice having been sent to one client (applicant) who happened to be on vacation.

The subject lands comprising the rear yards of 478 and 488 Rymal Road East are located on the south side of Rymal Road, a short distance east of Upper Wentworth Street, within the

Chappell East neighbourhood. The neighbourhood plan was adopted by Council in 1989 and designates the subject lands, as well as lands to the east, as an "area of larger lots". (See Appendix A) Although the neighbourhood plan and its associated report do not specify minimum lot frontages and lot areas, the staff report of January 2, 1992, pertaining to my client's application states that the developer "should provide for at least a "B-2" (Suburban Residential) District type zoning, with lots having a minimum lot width of 15.0 M (49.21 ft.) and a minimum lot area of 540 M<sup>2</sup> (5.812, 51 sq. ft.)", etc.

Lands to the west of the subject lands are designated for "low density apartments" and "single and double-residential"; and lands to the south are designated for "single and double-residential" and a public school site. The subject lands are bounded on the north by two older homes owned by the applicants, on the west by a multiple-family development under construction and vacant land, and on the south and east by more vacant lands.

The draft plan of subdivision submitted by my clients fully implements the road pattern shown on the neighbourhood plan.

My client's original draft plan and rezoning application proposed 20 lots for one-family detached dwellings, of which 7 lots located on the north side of proposed Arrowhead Drive would have frontages of between 10.58 M (34.7') and 11.0 M (36.0') under an "R4" District zoning, and 13 lots located to the south of proposed Arrowhead Drive would have frontages of between 12.2 M (40.0') to 15.7 M (51.5') under a "C" District zoning. Because of concerns raised by Planning staff, the rezoning application and draft plan were revised by my clients by reducing the total number of lots from 20 to 19 lots so that all lots would satisfy or exceed the "C" District provisions of the Zoning Bylaw. Appendix "C" attached shows the lot frontages and areas of each proposed lot. A review of Appendix "C" reveals that:

- 2 lots would have lot frontages in excess of the "B2" District requirement of 15.0 M (49.2')
- 7 lots would have lot areas in excess of 464 M<sup>2</sup> (5000 sq.ft.), but none would satisfy the minimum "B-2" lot area requirement of 540 M<sup>2</sup> (5.812 sq.ft.)
- The aforementioned 7 larger lots are appropriately located at the east end of the plan, away from the existing and proposed multiple-family developments along Upper Wentworth Street.
- The average lot frontage would be 12.7 M (41.68') and the average lot area would be 422 M<sup>2</sup> (4542 sq.ft.), compared to 12 M (39.3') and 360 M<sup>2</sup> (3875 sq.ft.) for the "C" District.

It is my understanding that few areas have been designated for "larger lots" to date in approved neighbourhoods, and that it



is a fairly recent policy to do so. Presumably the reasons for providing for larger lots are to encourage:

- Different streetscapes;
- Larger houses and greater variety of housing styles.

Depending upon circumstances, such as market conditions, this is a reasonable planning objective.

The apparent reasons for selecting this area for "larger lots" on the neighbourhood plan is that:

- Proposed lots on the north side of proposed Arrowhead Drive would back onto proposed large lots (ie. retained lots) along Rymal Road with existing housing;
- Lots on the south side of proposed Arrowhead Drive would face proposed large lots on the north side.

It is not clear why the remaining area was designated for "larger lots" other than a desire to "round out" a larger area for such development.

I have the following planning concerns about imposing such a policy for this area:

- One proposed large lot will be located directly adjacent to a townhouse project and within a few feet of a building under construction and another would be located across the street from a townhouse project, thereby clearly being in conflict with the density gradation planning concept;
- The "larger lot" area will be accessible via Arrowhead Drive whose entrance will be bounded by multiple-family development on both sides, a situation that is not conducive to marketing a sub-neighbourhood of better quality housing;
- Existing and proposed housing north of Arrowhead Drive is being subjected to increasing traffic noise due to more truck traffic, signalization of road intersections and road widenings, again a situation not conducive to marketing better quality housing;
- The designated area has no special qualities by way of existing or proposed development, topography, tree cover, vistas, (etc.) to warrant such special consideration;
- There is no need to "protect" the existing two dwellings from new dwellings because the value of the new dwellings under "C" zoning will exceed that of the existing two dwellings that are not in good condition and are being rented out by the applicants;

- For the sake of a balanced streetscape it is much better to have the same size lots on both sides of a street, so therefore proposed lots 1-7 and 17-19 should not be enlarged because these lots would then face smaller "C" or possibly "R4" District size lots;
- Because of the relatively small size of the subdivision and the physical constraints of short street blocks, the requirement of "B-2" District size lots would have the effect of reducing the number of proposed lots from 19 to 15, representing a 20% loss; on this basis the project would not be viable under current and foreseeable economic conditions.

In addition to these concerns, it should be recognized that:

- At the time the neighbourhood plan was being prepared and adopted there was a demand for "prestigious homes" in the Region. At this time there is no foreseeable market for the size of houses that "B-2" lots would warrant (ie. min. cost of \$250,000), particularly in this general area, whereas a limited market is expected to develop for more moderately priced smaller houses constructed on "C" District size lots;
- The development cost of a 50' lot is approximately \$20,000 greater than that of a 40' lot, making such larger lots not marketable in the foreseeable future;
- The policy would be inconsistent with the thrust of the Provincial objective to increase housing densities for the sake of making housing more affordable and available, minimizing damage to the environment and creating an urban environment conducive to developing a more cost-effective public transit system.

It is noted that the neighbourhood plan does not define what is meant by "larger lots" so that to the uninitiated it could allow for "C" District size lots, considering that the Bylaw does provide for much smaller lots under the "R4" District. [ie. Average lot width of 10 M (32.8') and area of 306 M<sup>2</sup> (3293 sq.ft.)] Again to a person not familiar with City neighbourhood plans, the plan could further be interpreted to permit within the same area, one and two-family dwellings (eg. duplexes) on larger lots, because the area is also designated for "Single - and Double" Residential use.

The staff report states that the revised "proposal conflicts with the intent of policies C7 and D2 of the Official Plan. However, should the application be approved, an Official Plan amendment would not be required." Policy C7 reads as follows:

C.7.2       Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a

gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

Instead, it is the approved Neighbourhood Plan that conflicts with this "gradation" or transitional landuse policy because:

- The Neighbourhood Plan requires two large lots for single-family detached dwellings (ie. 478 Rymal Road and Lot No. 8) to be located adjacent to a multiple-family project, and another such lot (No. 1) to be located across the street from a townhouse project;
- The Neighbourhood Plan does not allow for the orderly transition from townhousing, small lots for "singles" or "semies", medium size lots for "singles" to large size lots for "singles".

My clients revised proposal would not conflict with this policy. Based on this policy it could even be argued that the area within lots 1-8 should be rezoned to an "R4" District instead of a "C" District.

Policy D.2 reads as follows:

- D.2.2        The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN...

As noted in the staff report, the Neighbourhood Plan can be changed by deleting this area from the "larger lots" requirement without the need to amend the Official Plan.



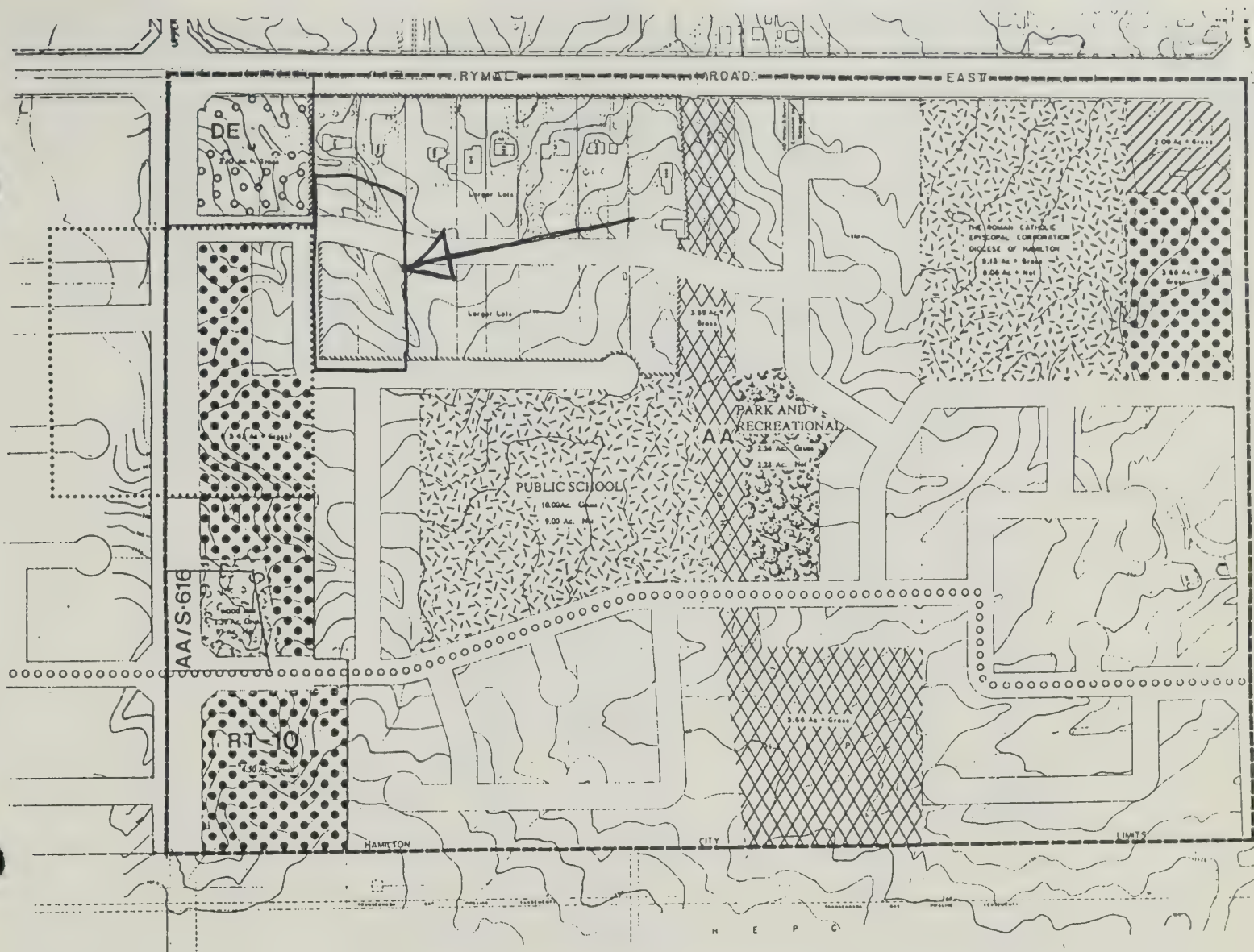
In closing I wish to impress on the Committee that the "larger lot" policy in this location creates a serious economic hardship for my clients, in that there is no market in the foreseeable future for more costly housing in the area. Therefore, the project cannot proceed.

For all of these reasons it is requested that the application to rezone these lands to a "C" District be the subject of a public meeting.

Respectfully submitted,

A handwritten signature in dark ink, featuring a large, stylized initial 'G' followed by a series of connected loops and a long, wavy horizontal stroke extending to the right.

H. Gaasenbeek



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

### LEGEND:

..... Board of Education for the City of Hamilton Existing School Sites

o o o o o o o Possible Bike Route

~~~~~ Area of Larger Lots

### LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

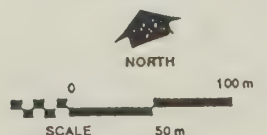
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals  
Planning Committee NOV. 1, 1989 Council NOV. 1, 1989  
Latest Revision Date NOV. 29, 1989

CITY OF HAMILTON  
PLANNING DEPARTMENT

CHAPPEL EAST  
APPROVED PLAN



EXISTING POPULATION (1988) 35

APPENDIX "A"

RDENS OF RYMAL  
1 PLAN 62M-678

LOCK 4

AMILY RESIDENTIAL

HEAD DRIVE

PART 2  
0.300 RESERVE  
62N-11311

SKETCH TO ILLUSTRATE  
PROPOSED REVISION TO  
LOTS 8-14 INCLUSIVE  
IN

ARROWHEAD HEIGHTS  
OF RYMAL

DRAFT PLAN 25T-91009  
CITY OF HAMILTON

FUTURE RESIDENTIAL

STREET "A"

PRINTED

AUG 30 1991

SIDNEY W. WOODS  
ENGINEERING INC.

REET

FUTURE

FUTURE SCHOOL

APPENDIX B





APPENDIX "C"

Approximate frontages and lot areas of lots within proposed plan known as "Arrowhead Heights of Rymal", as revised (25 T-91 009)

| Revised Lot # | Lot Frontage |        | Lot Area |         |
|---------------|--------------|--------|----------|---------|
|               | M            | (FT)   | M2       | (SQ FT) |
| 1             | 13.2         | (43)   | 402.3    | (4330)  |
| 2             | 12.2         | (40)   | 371.8    | (4002)  |
| 3             | 12.2         | (40)   | 371.8    | (4002)  |
| 4             | 12.2         | (40)   | 371.8    | (4002)  |
| 5             | 12.2         | (40)   | 371.8    | (4002)  |
| 6             | 12.2         | (40)   | 371.8    | (4002)  |
| 7             | 15.7         | (51)   | 390.0    | (4200)  |
| 8             | 12.0         | (39.3) | 365.0    | (3930)  |
| 9             | 12.0         | (39.3) | 365.0    | (3930)  |
| 10            | 12.4         | (40.6) | 380.0    | (4170)  |
| 11            | 12.4         | (40.6) | 388.0    | (4175)  |
| 12            | 12.4         | (40.6) | 388.0    | (4175)  |
| 13            | 15.5         | (50.8) | 478.0    | (5150)  |
| 14            | 13.0         | (42.6) | 504.0    | (5420)  |
| 15            | 12.2         | (40.0) | 490.0    | (5280)  |
| 16            | 12.2         | (40.0) | 512.0    | (5510)  |
| 17            | 12.2         | (40.0) | 512.0    | (5510)  |
| 18            | 12.2         | (40.0) | 490.0    | (5280)  |
| 19            | 13.0         | (42.6) | 504.0    | (5420)  |

. Average proposed lot frontage: 12.7 (41.68)

. Average proposed lot area: 422 M2 (4542 sq.ft.)

Note: "C" District requirements: Frontage: 12 M (39.3')

Area: 360 M2 (3875 sq.ft.)

"B2" District requirements: Frontage: 15 M (49.21')

Area: 540 M2 (5812 sq.ft.)



5.

**CITY OF HAMILTON**

**FEB 12 1992**

**- RECOMMENDATION -**

**DATE:** 1992 February 12  
ZA-91-74  
Stipeley Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in zoning - 809 Main Street East  
and 100 Barnesdale Blvd.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 91-74, Sylvia Tofano, owner, for a modification to the existing "DE-2" (Multiple Dwellings) District regulations to permit a dress shop on the ground floor of the existing building for a property located at 809 Main Street East and 100 Barnesdale Blvd., as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - a) That notwithstanding Section 10B(1) of By-law No. 6593 a ladies dress shop shall be permitted only on the ground floor of the existing building;
  - b) That notwithstanding Section 19 (iii) of By-law No. 6593, a dwelling unit having a floor area of at least 65.0 square metres shall be permitted in the cellar rather than the first floor;



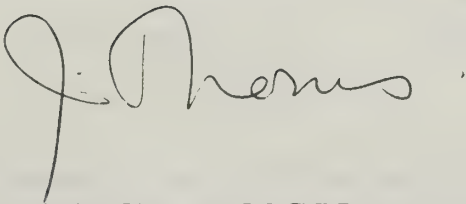
- c) That notwithstanding Section 10B of By-law No. 6593, a pylon sign shall be permitted only in the southerly side yard and having a maximum area of 2.5 square metres; a height not to exceed 4.5 metres with a minimum clearance of 3 metres from the ground to the bottom of the sign; a minimum setback of 1.5 metres from the southerly lot line; and, non-illuminated or illuminated by non-flashing, indirect, or interior means only;
- d) That notwithstanding Section 10B(6) of By-law No. 6593:
  - 1. the existing front yard adjacent to Barnesdale Blvd. shall be maintained as landscaped space only except for access driveways; and,
  - 2. a minimum 1.5 metres landscape strip shall be provided and maintained adjacent to the southerly lot line except for access driveways;
- e) That a visual barrier not less than 1.2 metres and not greater than 2.0 metres in height shall be provided and maintained along the northerly and westerly property lines.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-33 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593 and Zoning District Map E-33 for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

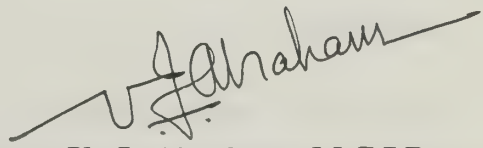
The purpose of the by-law is to establish a modification to the existing "DE-2" (Multiple Dwellings) District regulations for a property located at 809 Main Street East and 100 Barnesdale Blvd. as shown on the attached map.

The effect of the By-law is to permit the use of only the ground floor of the existing building for a dress shop. In addition, the By-law establishes the following variances as special requirements:

- to permit a pylon sign to be located only in the southerly side yard adjacent to Main Street East of not more than 2.5 m<sup>2</sup> in area; a maximum 4.5 m in height; a minimum clearance of 3 metres between the bottom of the sign and the ground; a minimum setback of 1.5 m from the southerly lot line; and, either non-illuminated or illuminated by non-flashing or indirect means only;
- to permit a dwelling unit having a minimum floor area of 65.0 m<sup>2</sup> in the cellar rather than the first floor;
- the front yard adjacent to Barnesdale Blvd. to be maintained as landscaped space only, and a minimum 1.5 metre landscape strip shall be provided and maintained adjacent to Main Street East except for access driveways; and,
- a minimum 1.2 to 2.0 metre high visual barrier shall be provided and maintained along the northerly and westerly property lines.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

**BACKGROUND:**

- Proposal

The applicant is requesting a modification to the existing "DE-2" (Multiple Dwellings) District regulations to permit a ladies dress shop for retail sales and alterations on the ground floor of the existing dwelling. A site inspection revealed that the building has four units - two unoccupied (one on the ground floor and one on the second floor) and two occupied (one on the third floor and one in the basement).

- Stipeley Neighbourhood Plan

City Council approved the Stipeley Neighbourhood Plan in February, 1974. It designates lands from and including 801 to 831 Main Street East (Including the subject lands) as "Low Density Apartments".

- By-law 76-205

By-law 76-205 was approved by City Council on June 29, 1976 and rezoned the subject lands from "H" (Commercial) District to "DE-2" (Multiple Dwellings) District to implement the approved Stipeley Neighbourhood Plan.

- ZA-87-108

In November, 1987, Planning and Development Committee considered an application on the subject lands for a modification to the "DE-2" (Multiple Dwellings) District regulations to permit the conversion of a three family dwelling for a residential care facility. The application was denied by Council on the basis that it would intensify the concentration of such facilities in this area and set an undesirable precedent for similar proposals in the future.

**APPLICANT:**

Sylvia Tofano, owner



***LOT SIZE AND SITE AREA:***

The subject property has the following dimensions:

- a frontage of 28.17 m (92.43 feet) on Main Street East;
- a depth of 17.83 m (58.5 feet) on Barnesdale Blvd.; and,
- a lot area of 502.32 m<sup>2</sup> (5,407 square feet).

***LAND USE AND AREA:***

|                          | <u>Existing Land Use</u>                                    | <u>Existing Zoning</u>                           |
|--------------------------|-------------------------------------------------------------|--------------------------------------------------|
| <u>Subject Lands</u>     | Fourplex                                                    | "DE-2" (Multiple Dwellings) District             |
| <u>Surrounding Lands</u> |                                                             |                                                  |
| to the north             | Two family dwelling                                         | "DE-2" (Multiple Dwellings) District             |
| to the south             | Variety store with parking lot                              | "H" (Community Shopping and Commercial) District |
| to the east              | Six unit apartment with a variety store on the ground floor | "DE-2" (Multiple Dwellings) District             |
| to the west              | Two family dwelling                                         | "DE-2" (Multiple Dwellings) District             |

**OFFICIAL PLAN:**

The subject lands are designated COMMERCIAL on Schedule "A" of the Official Plan. The following policies apply:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

- i) Residential uses subject to the following provisions:
  - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES mitigated;
  - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
  - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,
  - d) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly resident and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.

- A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
- A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Subsection.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
- A.2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and, in so doing, will:
- i) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other Commercial developments in the area;
  - ii) Encourage the relocation of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial Uses to maximize the retail concentration;
  - v) Ensure in the preparation of Neighbourhood Plans that provision is made of sufficient Residential development to sustain viable Ribbon Commercial areas.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;



- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal does not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Low Density Apartments" on the approved Stipeley Neighbourhood Plan. The proposal does not comply. Should the application be approved, the Neighbourhood Plan designation should be remain to reflect the long term intent to maintain the lands for residential purposes.

#### ***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority has no comment or objection.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

According to plans submitted by the applicant, the existing brick pillar and fence encroach into the Main Street East road allowance. This pillar and fence encroachment is contrary to the Region's Roads Use By-Law and must be removed and relocated to private property and must conform to the Zoning By-Law requirements for fences at intersections. Any other works which may occur within the adjacent road allowances, must conform to the respective Streets By-Law.

According to our construction drawings, there is an access onto Barnesdale Boulevard and also a concrete median island on Barnesdale Boulevard which may limit access to the subject [lands]. At present there is no access to Main Street East and comments from the City of Hamilton Traffic Department should be considered with respect to parking, access, etc.

We also recommend that the subject lands be developed through site plan control. At that time, we will provide detailed comments on setbacks, access, grading, etc. when these plans are submitted to our office for review and approval.

According to our records, the existing alley to the west of the subject lands is public unassumed."

- The staff of the Local Architectural Conservation Advisory Committee have advised that:

"This residential property is not currently listed on the City's Inventory of Buildings of Architectural/Historical Interest but the Stipeley Neighbourhood has not yet been thoroughly surveyed for the purposes of adding buildings to our Inventory. However, this substantial, early twentieth century brick masonry house appears to be in good condition and certainly has sufficient architectural merit to warrant preservation and adaptive re-uses. With its prominent location at the corner of Barnesdale Boulevard, the house also has considerable streetscape value. It is a key component of an historically important urban streetscape, Barnesdale Boulevard being one of only four streets in the City with landscaped centre strips and the only one with entrance gates. This Boulevard is fairly similar to the St. Clair Avenue and Boulevard heritage districts.

Given the architectural and streetscape value of the house at 809 Main Street East, we recommend that the proposed commercial use be accommodated in this residential building. Because the proposed "H" zoning would allow the existing house to be demolished and replaced by a new commercial structure, we would also recommend retaining the residential zoning, but modified, in order to encourage the preservation of this key building.

We have no objections to the current proposal to convert the ground floor into a ladies dress shop; we would like to see the architectural integrity of the exterior maintained. We are concerned that commercial signs be restricted to the Main Street side of the building. We will refer this building to the LACAC Research Sub-committee for consideration for listing."

- The Building Department has advised that:
  - "1. Our records indicate that in 1957 the existing building was converted to contain three dwelling units located on the first, second and third floors.
  2. It appears from the information provided, that there is still going to be three dwelling units excepted that the unit on the first floor has been vacated and an additional unit has been created elsewhere in the building which shall have a minimum floor area of 65.0 m<sup>2</sup>.
  3. A three family dwelling shall provide four (4) parking spaces with sufficient manoeuvring space and access driveway subject to Section 18A of By-Law 6593."

The Building Department has further advised:

"...our records do not indicate any approval of a dwelling unit in the cellar. This Department only recognizes the remaining dwelling units on the 2nd and 3rd floor.

If the building was used for commercial uses only, parking may be required, depending of the type of uses e.g. (restaurant, medical offices) No loading shall be required for the existing building.

|       |                                                                                                                                      |
|-------|--------------------------------------------------------------------------------------------------------------------------------------|
| Signs | Conform to Section 14(3)(i) of By-law 6593.                                                                                          |
|       | Note: Barnesdale Blvd. is considered the front lot line. (eg. 6.0m from the front lot line, 1.2m from the northerly side lot line.)" |



- the Traffic Department advises that:

"The City has a significant amount of commercially zoned property located along arterial roadways. Some of this property has never been utilized commercially and exists as residential housing. In the past, we understand that during the neighbourhood review process, some of these properties were actually downzoned in recognition of the existing use.

There are also strip commercial areas in the City where buildings which previously contained businesses are empty or are being converted to residential uses in order to utilize existing unused building space.

Given the above, there would appear to be an oversupply of existing strip commercial space. Approval of this application simply increases this oversupply and adds to the problems associated with this type of land use, i.e. parking spillover, inadequate loading etc.

In addition, if approved, the adjacent property at 801 Main Street East becomes and isolated pocket of residential zoning. A subsequent application from 801 Main Street East would then appear logical resulting in yet further strip commercial inventory.

As the inventory of commercial zoned properties increases, the likelihood of maintaining or revitalizing traditional strip commercial areas diminishes. The number of potentially affordable residences also decreases proportionately.

Consequently, we are not in a position to support the random expansion of commercially zoned strip commercial uses. We further disagree with modifications to the existing residential zoning to allow this specific use only, in that it has the same net effect of eliminating residential living space while permitting the random expansion of commercial inventory."

#### **COMMENTS:**

1. The proposed use does not conflict with the intent of the Official Plan.
2. The proposed use does not comply with the approved Stipeley Neighbourhood Plan. If the application is approved an amendment is not required.

3. An amended application to modify the existing "DE-2" District provisions to permit only a dress shop on the ground floor can be supported on the basis that:
- it provides an adaptive re-use for a portion of the building which has been identified as having some architectural merit to warrant preservation;
  - it will maintain the intent of the Neighbourhood Plan in that the commercial use will be limited to the ground floor and three residential units will be maintained;
  - the residential character of the streetscape will be maintained;
  - the proposed use is in keeping with the existing commercial development fronting onto Main Street East and would not be incompatible with adjacent residential uses; and,
  - it implements the intent of the Official Plan which recognizes the co-existence of residential and commercial uses in the same building providing compatibility can be maintained. In this regard the proposed dress shop is low key and is not a high traffic generator type of use.

The Traffic Department's comments on this proposal are acknowledged however, for the reasons stated above, the amended application can be supported.

4. To ensure compatibility between the adjacent residential uses and the proposed commercial use, to maintain the residential character of the area, and to enhance the streetscape, it is appropriate to provide certain mitigative measures including: a visual barrier along the northerly and westerly lot lines; maintaining the front yard as landscaped space; and, requiring a minimum 1.5 metre landscape strip along the southerly lot line except for any driveway access.
5. The Hamilton-Wentworth Engineering Department advised that the existing brick pillar and fence encroach into the Main Street East road allowance which is contrary to the Region's Road Use By-law. In this regard, they advise they must be removed and relocated to private property. From a planning perspective, this cannot be supported given:
- the house and gates are a key component of an historically important streetscape with Barnesdale Blvd. being one of four streets with a landscaped centre strip and the only one with entrance gates; and,

- the applicant has advised that access and parking for the proposed dress shop will be from Main Street East therefore, there is not likely to be a significant increase in vehicular traffic on Barnesdale Blvd.
6. The Building Department comments noted that the dwelling unit in the cellar is not a permitted use. The building is a legal triplex with a unit each on the ground floor, the second floor and the third floor. It appears that a new unit has been added to the cellar to make up for the unit to be converted to commercial use. It is therefore appropriate to modify the by-law to permit a dwelling unit of not less than 65.0 m<sup>2</sup> in the cellar.
7. The applicant has indicated that if the proposed business is successful, the intent is to expand it, either within the existing building, or by way of an addition to the building. Any such expansion will require a further modification to the By-law.

#### ***CONCLUSION:***

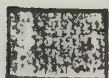
On the basis of the foregoing, the amended application can be supported.

CF/ma  
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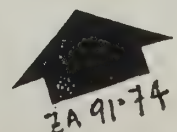




# LEGEND



SITE OF APPLICATION



7.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

FEB 12 1992

**DATE:** 1992 February 7  
ZA-91-77 (DA-89-02)  
Rymal Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in zoning - No. 55 Lancing Drive.

**RECOMMENDATION:**

A. That approval be given to Zoning Application 91-77, ABD Technology Inc., owner, requesting a modification to the established "M-14" (Prestige Industrial) District regulations, to permit an auto repair garage including autobody fender repair and painting within the existing building, for the property located at No. 55 Lancing Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

a) That notwithstanding Section 17F(1)(b) of Zoning By-Law No. 6593, the following Commercial Uses shall be permitted:

| <u>Commercial<br/>Use</u>  | <u>Standard Industrial<br/>Classification Code</u> |
|----------------------------|----------------------------------------------------|
| General Repair Garage      | 6351                                               |
| Paint and Body Repair Shop | 6352                                               |

ii) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59D be notated S- ;

iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

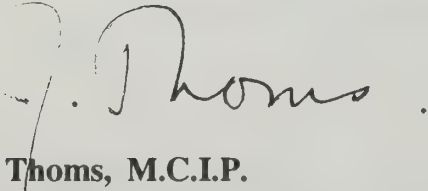


- B. That the amending By-law not be forwarded for passage by City Council until the shortfall in the required parking from forty-eight (48) to thirty-eight (38) spaces has been finalized through the "Cash-in-Lieu of Parking Policy".

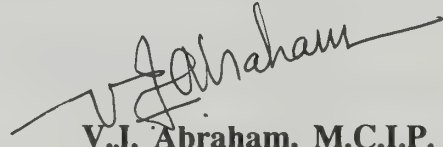
**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at No. 55 Lancing Drive, as shown on the attached map.

The effect of the By-law is to permit, in addition to the uses under the "M-14" District regulations, an auto repair garage including autobody fender repair and painting.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is seeking a modification to the established "M-14" (Prestige Industrial) District regulations to permit an auto repair garage including autobody fender repair and painting within the existing building, for the property located at No. 55 Lancing Drive, in order to reduce vacancy. The applicant has advised that the building is presently 50% vacant.

- Site Plan Control Application DA-89-02

Plans were submitted and approved June 16, 1989, by the Planning and Development Committee, for a one-storey industrial/commercial condominium at 55 Lancing Drive.

The proposed occupancy was 50% industrial and 50% commercial uses. Thus, the property was developed to its maximum potential with a building having a G.F.A. of 1927.65 m<sup>2</sup> (20,749.2 sq.ft.) with thirty-eight (38) required parking spaces and two (2) required loading spaces.



- "M" District Study

The "M" District Study proposes to add all motor vehicle repair shops to the list of permissible uses within the "M-14" (Prestige Industrial) District. It suggests that automotive uses are no less feasible than other uses permitted 'as-of-right' in the "M-14" District (e.g. carwash, general contractor, etc.) in that they have functional and operational characteristics similar to other industrial uses.

***LOT SIZE AND AREA:***

- 40.0 m (131.2 ft.) of lot frontage on Lancing Drive;
- 108.98 m (357.5 ft.) of lot depth; and,
- 0.43 ha (1.07 acres) of lot area.

***LAND USE AND ZONING:***

|                                   | <u>Existing Land Use</u>        | <u>Existing Zoning</u>                |
|-----------------------------------|---------------------------------|---------------------------------------|
| <u>Subject Lands</u>              | industrial/commercial complex   | "M-14" (Prestige Industrial) District |
| <u>Surrounding Lands</u>          |                                 |                                       |
| to the north, south east and west | industrial/commercial complexes | "M-14" (Prestige Industrial) District |

***OFFICIAL PLAN:***

The subject lands are designated "INDUSTRIAL" on Schedule "A" and "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
  - iii) Uses which have characteristics or functional requirements similar to Industries;

- vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations).

- A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- A.2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy 2.3.1 (ii) will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan.
- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3."

Based on Policies A.2.3.1 iii) and vi), the proposal does not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "RESTRICTED INDUSTRIAL" in the Mountain Industrial Area Plan. The proposal does not conflict with the intent of the Plan.

#### ***RESULTS OF CIRCULARIZATION:***

- The Hamilton Region Conservation Authority, and Ministry of the Environment has no comment or objection to the application.
- The Real Estate Department has no objection in granting the zoning amendment, however, they would like to advise that the area may be at the saturation point for Body Shops.
- The Economic Development Department has advised that:

"The Department has reservations about this zoning modification similar to those expressed in comments made on Zoning Application 91-29 and 91-33. The proposed uses in this "M-14" Prestige Industrial District would certainly be in direct competition

with those businesses leasing space or who own property on Rymal Road. Along this portion of Highway #53, there are countless related businesses who are all paying commercial lease rates. To remain consistent with department comments, it is the opinion of the Economic Development Department that an Auto Body Shop is not a compatible use in the business park."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

In the absence of any details shown, we advise that any works within the Lancing Drive road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department has advised that:

- "1. A general auto repair and body shop is not permitted in an "M-14" District.
2. A general repair garage (S.I.C. #6351) is permitted in an "M-11" or "M-15" District only.
3. A paint and body repair shop (S.I.C. #6352) is permitted in an "M-15" District only.
4. The parking requirements were originally determined on 50% commercial uses and 50% industrial uses.
5. The existing uses are commercial, so therefore an additional commercial use such as the proposed use would require more parking spaces than are presently being provided. The following are the parking and loading requirements for the property:

- Total Building Area: 1950.9m<sup>2</sup>
- Existing commercial floor area : 975.45m<sup>2</sup>
- Proposed commercial floor area: 780.36m<sup>2</sup>
- Total commercial floor area: 1755.81m<sup>2</sup>
- Commercial parking required:  $1755.81 \div 40 = 44$
- Industrial parking required:  $1950.90 \div 40 = 49$
- Total parking required: 48
- Loading required: (1950.9m<sup>2</sup>) 2 @ 3.7m x 18.0m x 4.3m."

- The Traffic Department has advised that:

"We have been advised by your Department that this application has a shortage of 10 parking spaces. This development was approved under DA-89-02 at which time the applicant provided the minimum Zoning By-law required parking based on 50 percent



industrial and 50 percent commercial use. There is no room to expand the on-site parking area. On-street parking is prohibited on Lancing Drive.

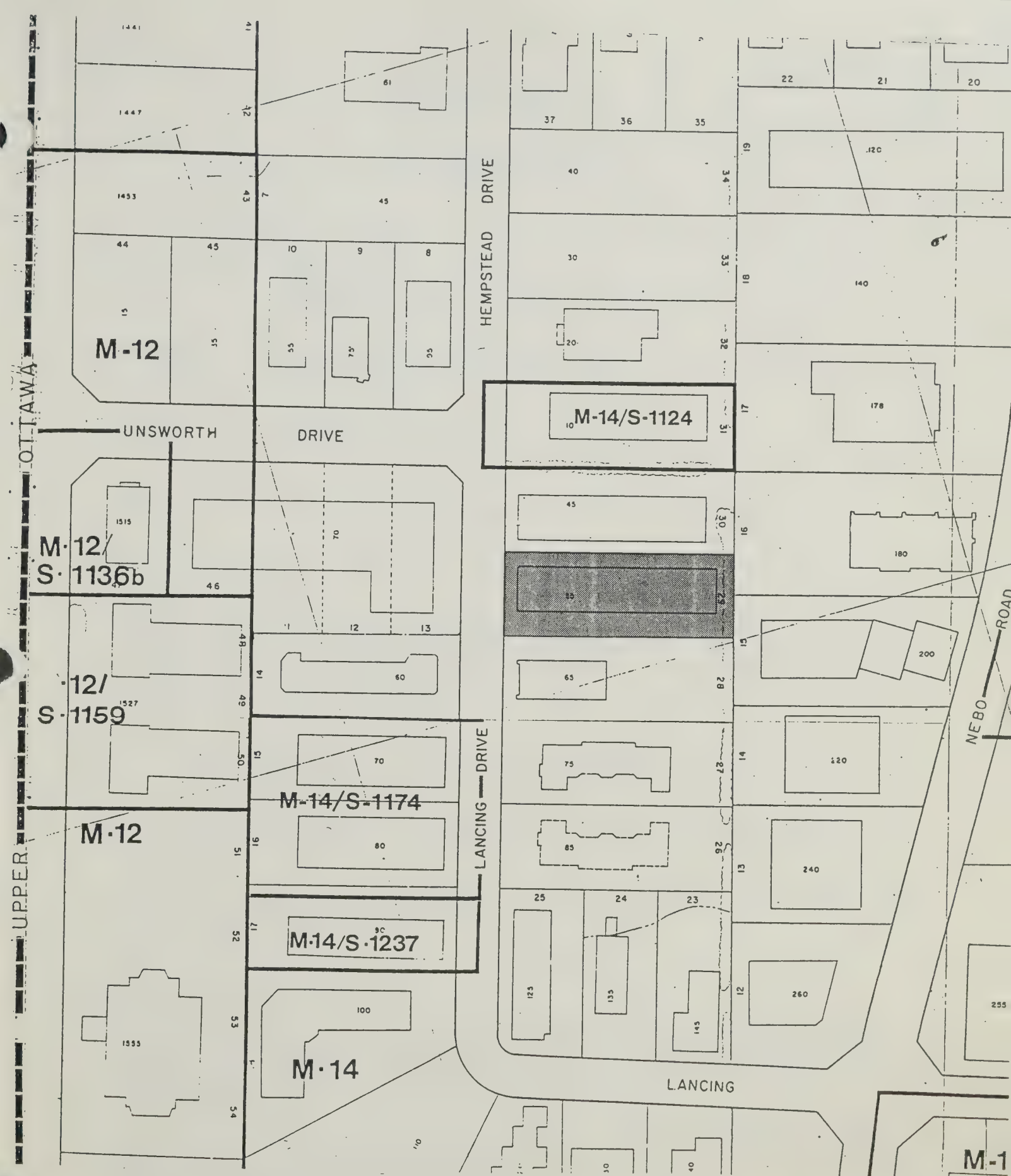
The applicant wishes to intensify the use by introducing an Auto Repair and Body Shop. While this particular use may not cause a parking problem at this location, we are concerned about setting a precedent for future commercial developments in this industrial area. Allowing various commercial developments in this area that do not meet the parking requirements will have a cumulative effect on neighbouring properties and will eventually impact the adjacent roadways. On that basis, we do not support variances for parking reduction in this area."

### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan and the approved Mountain Industrial Area Plan.
2. The proposal has merit and can be supported for the following reasons:
  - a) The proposed automotive uses are no less feasible than other uses permitted 'as-of-right' in the "M-14" District (e.g. car wash , general contractor, etc.) in that they have functional and operational characteristics similar to other industrial uses.
  - b) Applications for auto repair garages were approved for the properties at No. 135 Nebo Road and 220 Hempstead Drive. The use appears to have no detrimental effect on the industrial park.
  - c) The proposal does not conflict with the intent of the Official Plan and the approved Neighbourhood Plan.
3. For the information of the Committee, as a result of a review of the uses in the "M" Districts, all motor vehicle repair shops are proposed to be added 'as-of-right' to the "M-12", "M-13", "M-14" and "M-15" Districts with the exception of paint and autobody repair which will be restricted to the "M-14" and "M-15" districts only.
4. With respect to the shortfall in the required parking from forty-eight (48) to thirty-eight (38) parking spaces, it is recommended that the "Cash-in-Lieu of Parking Policy" be utilized since the additional spaces cannot be physically accommodated on site.

### **CONCLUSION:**

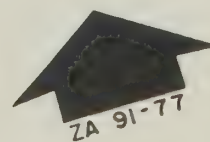
On the basis of the foregoing, the application can be supported.



Legend



Site of the Application



APPENDIX A





FEB 12 1992

8.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 7  
ZA-91-84  
Kennedy East Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a Change in zoning - No. 66 Alderson Drive.

**RECOMMENDATION:**

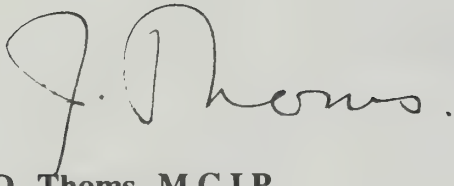
That approval be given to Zoning Application 91-84, Vittorio Ciardullo, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of a single-family dwelling lot, for property located at No. 66 Alderson Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

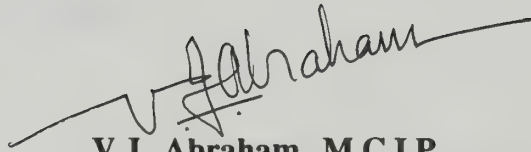
**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 66 Alderson Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide for the creation of a new single-family building lot fronting onto Christie Street.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Land severance Application

On January 7, 1992, the Regional Land Division Committee tabled Land Severance Application H-04-92 to convey a vacant parcel of land measuring 65' x 90' for residential purposes, and to retain the balance of the holding measuring 90' x 105' occupied by a single-family dwelling. The Planning and Development Department recommended that, "the proposal is considered to be premature until such time as the re-zoning has been dealt with and finalized. Accordingly, the application should be deferred."

- Proposal

The purpose of the proposed change in zoning is to create a building lot for a single-family detached dwelling, fronting onto Christie Street.

- Neighbourhood Plan Review

On April 18, 1990 the Planning and Development Committee considered a Neighbourhood Plan Review to examine the potential for development within this area of the Kennedy East Neighbourhood. At that time, it was identified that the only opportunity to provide for additional lots was along Christie Street. In this regard, approximately 18 additional single-family residential building lots could be created (see APPENDIX "B"). No. 66 Alderson Drive was identified as the location of a potential new single-family lot. The Planning and Development Committee and City Council endorsed the concept of allowing for the creation of additional lots fronting onto Christie Street, and have subsequently approved two similar rezoning applications (ZA-89-125 and ZA-91-32) located at the rear of Nos 63 & 67 Malton Drive and No. 82 Alderson Drive, respectively.

**APPLICANT:**

Vittorio Ciardullo, owner.

**LOT SIZE AND AREA:**

The subject lands have:

- 27.43 m (90.0 ft.) of lot frontage on Alderson Drive:
- 52.0 m (170.0 ft.) of lot depth; and,
- 1421.37 m<sup>2</sup> (15,300 sq. ft.) of lot area.

**LAND USE AND ZONING:**

|                             | <u>Existing Land Use</u> | <u>Existing Zoning</u>                                    |
|-----------------------------|--------------------------|-----------------------------------------------------------|
| <u>Subject Lands</u>        | single-family dwelling   | "B" (Suburban Agriculture and Residential, etc.) District |
| <u>Surrounding Lands</u>    |                          |                                                           |
| to the north                | single-family dwellings  | "C" (Urban Protected Residential, etc.) District          |
| to the south, east and west | single-family dwellings  | "B" (Suburban Agriculture and Residential, etc.) District |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept plan of the Official Plan and are subject to the following policies, among others:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are include within this designation, while preference will be given to the locating of similar densities of development together.



- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.11 Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy amenity and value".

The proposal complies with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Kennedy East Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

#### ***COMMENTS RECEIVED:***

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

In the absence of any details shown, we advise that any works within the Christie Street road allowance must conform to the City of Hamilton Streets By-Law.

To ensure that the subject lands and their development area compatible with Christie Street, we recommend that the elevation of the street/property line be  $\pm 0.14$  m higher than the corresponding perpendicular centreline elevations on Christie Street. The driveway grade on private property should not exceed 7%."

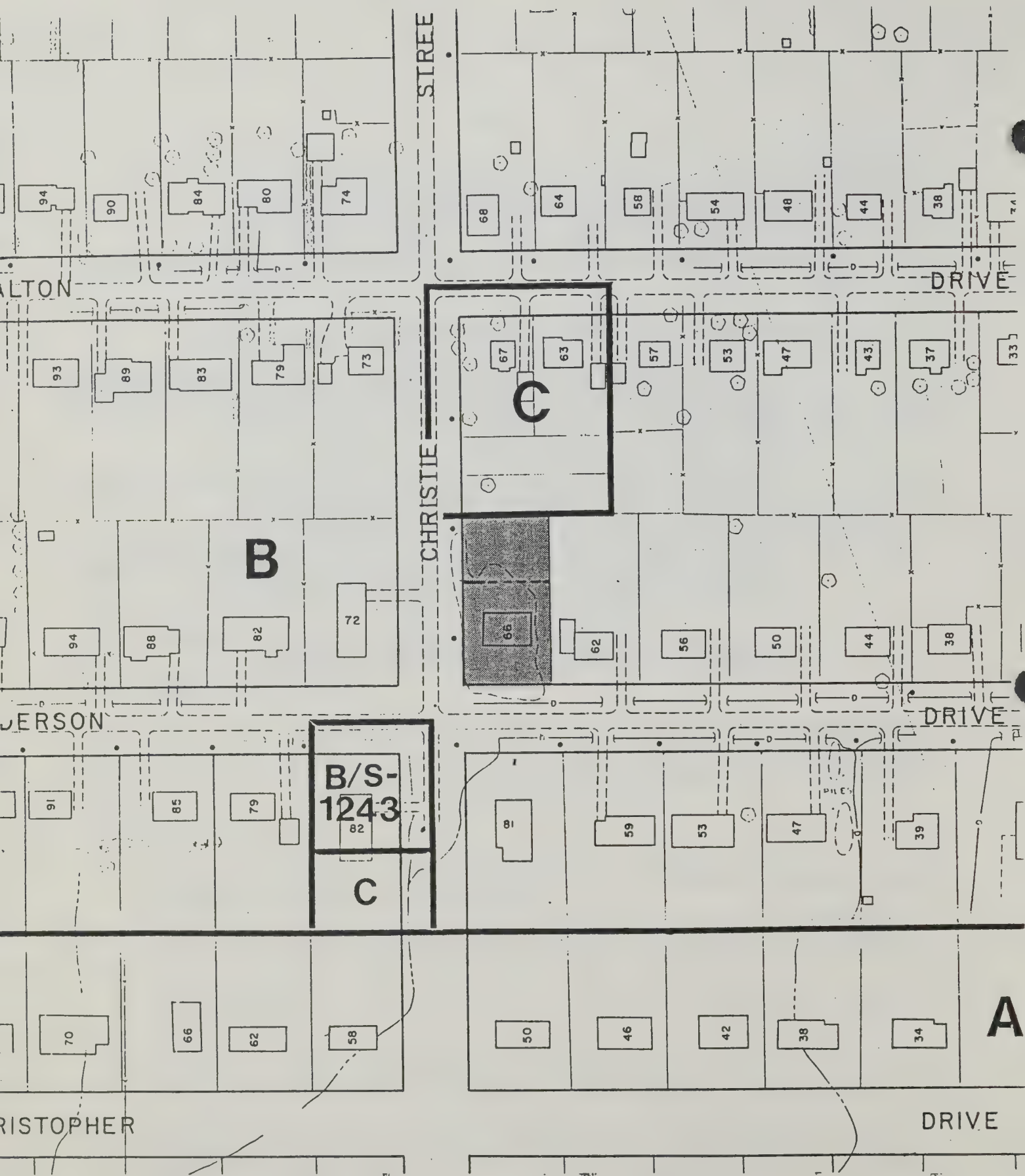
***COMMENTS:***

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons;
  - it would be consistent with Planning and Development Committee and Council adopted policy, to permit additional single-family development fronting onto Christie Street;
  - it represents an "infill" situation and would be compatible with existing and future single-family development in the surrounding area;
  - the Planning and Development Committee and City Council approved two similar re-zoning applications (ZA-89-125 and ZA-91-32) to permit the creation of new single-family dwelling lots fronting onto Christie Street;
  - the proposed lots (retained and conveyed) satisfy the regulations of the requested "C" (Urban Protected Residential, etc.) District.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

GAW/ma/dkp  
ZA9184



Legend

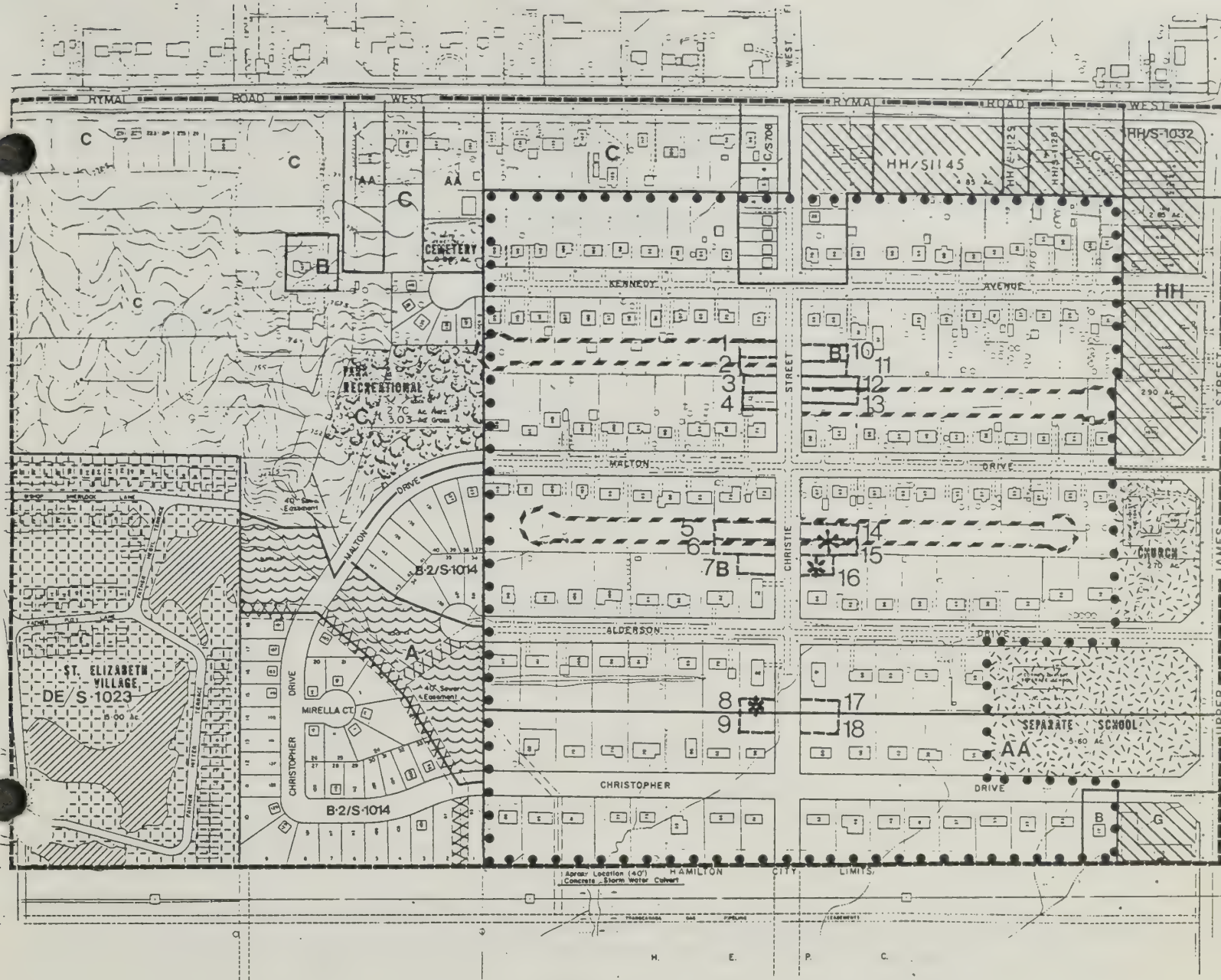


Site of the Application



APPENDIX A





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

## LEGEND



ST. ELIZABETH VILLAGE POND  
AREA 14.70 Acres (existing)

POSSIBLE ROADS

POTENTIAL LOTS (18)

STUDY AREA

ZONING APPLICATIONS

EXISTING POPULATION (1988) 547

## LAND USE RESIDENTIAL



single & double



attached housing



low density apartments



medium density apartments



high density apartments



commercial & apartments



st. elizabeth retirement village



COMMERCIAL



INDUSTRIAL



CIVIC & INSTITUTIONAL



PARK & RECREATIONAL



OPEN SPACE



UTILITIES



FLOOD PRONE LANDS

--- Neighbourhood Boundary  
— Zoning Boundary

Approvals

Planning Committee MAR 11, 1987 Council MAR 31, 1987

Latest Revision Date JANUARY 10, 1990

CITY OF HAMILTON  
PLANNING DEPARTMENT

KENNEDY EAST

APPROVED PLAN



NORTH

0 100 m  
SCALE 50 m

APPENDIX B



9.

**CITY OF HAMILTON**

**FEB 12 1992**

**- RECOMMENDATION -**

**DATE:** 1992 February 5  
(ZA-91-52)  
Corman Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a modification of zoning - No. 52 Heather Road.

**RECOMMENDATION:**

That approval be given to Zoning Application No. 91-52, Elio Borchetta, owner, requesting a modification to the established "B-1" (Suburban Agriculture and Residential, etc.) District, to permit the established two-family dwelling and a barber shop as a home occupation use, for property located at No. 52 Heather Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "B-1" (Suburban Agriculture and Residential, etc.) District regulations as contained in Section 8A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - 1. That notwithstanding Section 8A.(1) of Zoning By-law No. 6593, a two-family dwelling shall be permitted only within the existing building, provided each dwelling unit shall have a minimum floor area of 65m<sup>2</sup> (699.65 sq. ft.);
  - 2. That notwithstanding paragraphs (f) and (i) of Section 2.(2) H.(iii), barbering shall be permitted as a home occupation on the following basis:



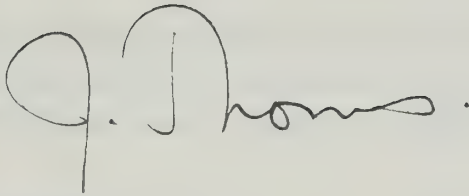
- (a) it is carried on by not more than one barber having a principal and permanent place of residence on the premises; and,
  - (b) commercial barber shop equipment shall be permitted, and there shall not be more than one barber chair and not more than one commercial styling sink;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-95 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

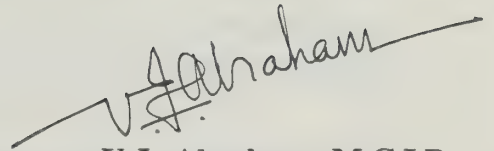
The purpose of the By-law is to provide for a modification to the existing "B-1" (Suburban Agriculture and Residential, etc.) District regulations, for property located at No. 52 Heather Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to:

- legalize an existing two-family dwelling and to require that both dwelling units each have a minimum floor area of 65m<sup>2</sup> (699.65 sq. ft.);
- permit barbering as a home occupation, carried on by not more than one barber having a principal and permanent place of residence on the premises; and,
- permit commercial barber shop equipment, and there shall not be more than one barber chair and not more than one commercial sink.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The purpose of the application is to legalize the established two-family dwelling, and to permit a barber shop as a home occupation use within a portion of the dwelling.

The applicant has advised that the main floor dwelling unit has a floor area of 97.9m<sup>2</sup> (1,054 sq. ft.), and the basement dwelling unit has a floor area of 154.58m<sup>2</sup> (1,664 sq. ft.).

The barber shop is located below the sun room extension at the rear of the dwelling and occupies a floor area of 25.6m<sup>2</sup> (276 sq.ft.). Off street parking is provided on a paved double driveway in the front yard for two cars (four cars if stacked). The applicant further advised that he had a fire at his rented barber shop located on Parkdale Avenue South, and was unable (until recently) to operate at that location due to fire damage. It is his intention to operate from his residence upon retirement/ expiry of lease, on a part time basis.

- Orders to Comply

On July 25, 1991, the Building Department issued an Order to Comply with respect to the establishment of a barber shop in the existing dwelling. The applicant was advised to cease operating the use or obtain a re-zoning (see APPENDIX "B").

On August 28, 1991, the Building Department issued a second Order to Comply to the applicant with respect to an established two-family dwelling which is not permitted within the "B-1" (Suburban Agriculture and Residential, etc.) District (see APPENDIX "C").

- Council Adopted Housing Intensification Strategy

On June 25, 1991 Council adopted a Housing Intensification Strategy. The Strategy recommends that the Zoning By-law be amended to:

- permit one accessory apartment as-of-right in a number of residential zoning Districts, including the "B-1" (Suburban Agriculture and Residential, etc.) District;
- require that both units of the converted dwelling be a minimum of 65m<sup>2</sup> (699.65 sq. ft.), and,
- permit a maximum of 50% of the front yard to be used for vehicle access, turning, and parking, to protect the appearance of the street.

A text amendment to Zoning By-law No. 6593 will be initiated by the City to implement the above policy. The text amendment will have the effect of removing the current regulation of restricting conversions to pre-1940 dwellings. As well, it will require that all units in converted dwellings meet the 65m<sup>2</sup> (699.65 sq. ft.) minimum floor area. The text amendment will also relieve the parking requirements for conversions, by allowing 50% of the front yard to be used for vehicle parking, turning and access.

***APPLICANT:***

Elio Borchetta, owner.

***LOT SIZE AND AREA:***

- 15.24m (50.0 ft.) of lot frontage on Heather Road;
- 56.99m (187.0 ft.) of lot depth; and,
- 868.62m<sup>2</sup> (9,350.0 sq. ft.) of lot area.



**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>             | <u>Existing Zoning</u>                                            |
|--------------------------|--------------------------------------|-------------------------------------------------------------------|
| <u>Subject Lands</u>     | Two-family dwelling<br>a barber shop | "B-1" (Suburban<br>Agriculture and Residential,<br>etc.) District |
| <u>Surrounding Lands</u> |                                      |                                                                   |
| to the north and<br>west | single-family dwellings              | "B-1" (Suburban<br>Agriculture and Residential,<br>etc.) District |
| to the south and east    | Single-family dwellings              | "C" (Urban Protected<br>Residential, etc.) District               |

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule A - Land Use Concept Plan of the Official Plan and are subject to the following policies, among others:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.4 Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:

- i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;
- ii) A home Occupation will occupy only a limited floor area of the dwelling; and,
- iii) The Home Occupation use will not detract from the RESIDENTIAL character of the area.

Further, a Home Occupation will not be deemed to be a mixed Commercial/Residential Use for the purposes of Subsection A.2.2 of this Plan.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity;

- i) Provision and maintenance of adequate off-street parking.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value".

The proposal would not conflict with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

There is no neighbourhood plan available for the Corman Neighbourhood.

#### ***COMMENTS RECEIVED:***

- The Building Department has advised that

"This use is not permitted in the B-1 zone and also is not permitted as a home occupation."

- The Traffic Department has advised that:

".. we have reviewed the above-noted application and find it satisfactory to the required parking being provided on-site."

- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. Any works within the road allowance must conform to the Hamilton Streets By-Law."

- The Hamilton Region Conservation Authority has no comments or objections.

#### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. There is no Neighbourhood Plan for the Corman Neighbourhood.
3. The Planning and Development Committee and City Council have approved a number of similar zoning applications to establish hairdressing/barbering as a home occupation use. In this regard, each operation was limited to one hairdresser/barber living on the premises, one comb-out centre/barber chair and one commercial styling sink.

The size limitation placed on hairdressing/barbering as a home occupation appears to have effectively reduced problems associated with these uses. In this regard, the Building, Health and Traffic Departments have received no complaints concerning their operation.

4. The proposal has merit and warrants consideration for the following reasons:
  - the business is only part-time in nature and is primarily related to walk in trade from area residents;
  - the proposal would not affect the demand for on-street parking as the paved driveway could accommodate at least four (4) stacked parking spaces (see APPENDIX "D");



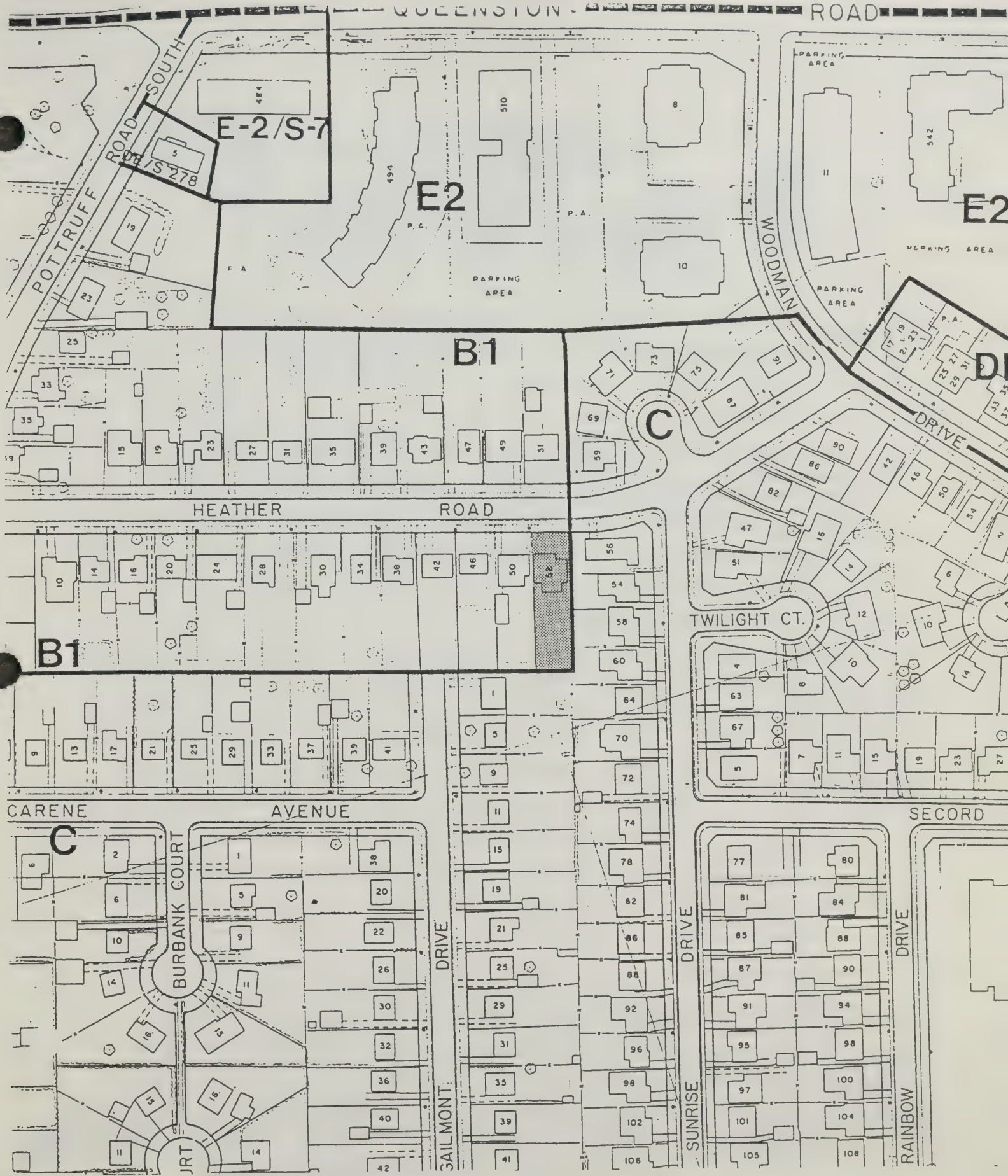
- the business would not alter the residential character of the existing dwelling; and,
- with regard to the establishment of the second dwelling unit, by adopting the Housing Intensification Strategy, Council has established, as a policy, that conversions are appropriate in the "B-1" (Suburban Agriculture and Residential, etc.) District. Therefore, the conversion at No. 52 Heather Road is in keeping with Council adopted policy (Housing Intensification Strategy). As well, this conversion meets the requirement that both dwelling units be a minimum of 65m<sup>2</sup> (699.65 sq. ft.) in size.

Accordingly, the amending By-law should include a requirement that both dwelling units each have a minimum floor area of 65m<sup>2</sup> (699.65 sq. ft.).

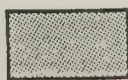
***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

GAW/ma  
ZA9152



Legend



Site of the Application





THE CORPORATION OF THE CITY OF HAMILTON  
DEPARTMENT OF BUILDINGS  
HAMILTON, ONTARIO

FILE NO:

# ORDER TO COMPLY

|                                 |                    |
|---------------------------------|--------------------|
| ISSUED TO                       | LOCATION           |
| Elio Borchetta<br>Maria Cirello | 52 Heather Road    |
|                                 | HAMILTON, Ontario. |
| 52 Heather Road                 |                    |
| Hamilton, Ontario L8K 3V8       |                    |

TAKE NOTICE THAT THE use of barber shop  
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

| ITEM | REFERENCE                                                       | DESCRIPTION                                                                |
|------|-----------------------------------------------------------------|----------------------------------------------------------------------------|
| 1.   | City of Hamilton<br>Zoning By-Law 6593<br>Section 2(2)H(111)(1) | The secondary use of barbering is not permitted in a residential district. |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |
|      |                                                                 | REQUIREMENT TO COMPLY:                                                     |
|      |                                                                 | Cease operation of barber shop at this location                            |
|      |                                                                 | or obtain a re-zoning of property through the                              |
|      |                                                                 | Planning Department.                                                       |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |
|      |                                                                 |                                                                            |

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION  
ARE HEREBY ORDERED TO COMPLY WITHIN Thirty (30) Days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE  
UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

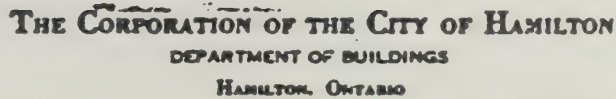
|                 |            |                    |            |
|-----------------|------------|--------------------|------------|
| REGISTERED MAIL | July 26/91 | M. Grogan/546-3904 | July 25/91 |
| RECEIVED BY     | DATE       |                    |            |

PHONE DIRECT 546-2782  
8 AM - 5 PM

FORM 6847  
REV. 1/88

APPENDIX B





# ORDER TO COMPLY

## APPENDIX C



January 20, 1991

JAN 21 1992

9a)

Secretary of Planning & Development Committee  
c/o City Clerks Department,  
City Hall  
71 Main Street West,  
Hamilton, Ont.

RE: Zoning Application ZA-91-52

This zoning application is to rezone a residential house to allow operation of a barber shop at 52 Heather Road.

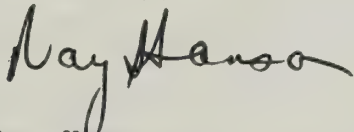
As we will be on holidays on the February 19th meeting date to discuss this application, we are forwarding this letter to oppose this application.

All traffic north on Pottruff Road can only turn right at Queenston Road. Signs are posted informing all traffic to use Heather Road to get to Queenston Road to travel west. This detour already results in a large volume of traffic on a residential street. By allowing this application there will be additional traffic on this street both during the day and at night, and on the weekends. The neighbourhood plan for the city is to restrict traffic in any neighbourhood to local use, and this application is contrary to policy.

Secondly, in the application it was mentioned his business address had been damaged in a fire resulting in an economic loss, and so he wanted to operate from his residence to have an income. Immediately after the fire, he did operate from his house as large signs at his business address indicated. During our walks, we noticed signs outside of his residence and a number of parked cars. Was approval received to operate from his residence after the fire? Also, the Spectator mentioned he had insurance coverage, and the business address was rebuilt. The barber shop has been operational again since November/December 1991. Since he now operates from the barber shop, it is not necessary to also operate from his residence. There could not have been a large loss in income, and not on a permanent basis.

We are registering our opposition to this zoning application.

Sincerely,



Ray Hanson  
7 Janet Court,  
Hamilton, Ont.  
L8E 4X8

(416) 560-6249





Feb. 3, 1992

FEB 5 1992

9b

City of Hamilton

Planning & Development Committee

Re - Department file # ZA-91-52

I am strongly opposed to any modifications to the regulations. If this proposal were to be passed I fear the ramifications it could have in the community. It is a lovely area of single family homes - all being nicely maintained. It would not be fair to the residents, to have cars parked up and down Heather ~~Street~~ Road, for the use of a Barber Shop or multiple dwellings.

There are enough vacancies in Malls and Plazas in this area for a Barber Shop.

There are also many vacancies in apartment buildings, and townhouses, for tenants. I do not see the need of this modification to take place.

Please consider the above at the public meeting - as I have to work - I am not able to attend.

Thank you.

Peter Enns

306-494 Tuscan Rd,  
Hamilton, Ont. L8K 1J5

PH# 560-4933





**CITY OF HAMILTON**

**FEB 12 1992**

**- RECOMMENDATION -**

**DATE:** 1992, February 11  
(CI-91-A)

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

City Initiative for an Official Plan Amendment and Modifications in Zoning for the "M" (Prestige Industrial) Districts, East Mountain-Industrial Business Park, No. 408 Cumberland Avenue and No. 467 Charlton Avenue East.

**RECOMMENDATIONS:**

- 1) That approval be given to Official Plan Amendment No. to establish a new Special Policy Area 11a on Schedule "B", to amend Policy A.2.9.3.9 to permit offices and home improvement uses within the "M-12" and "M-13" Districts, and to rename the "East-Mountain Industrial Park" to the "East Mountain Industrial-Business Park", and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- 2) That approval be given to City Initiative 91-A to provide for a general text amendment to the "M" (Prestige Industrial) District regulations, by deleting and adding permitted uses, by amending the accessory uses, by amending the landscape and side yard requirements in the "M-11" (Prestige Industrial) District, and by amending the sign regulations, for the properties located in the East Mountain

Industrial-Business Park, No. 408 Cumberland Avenue and No. 467 Charlton Avenue East, as shown on the attached maps marked as APPENDIX "A" and "APPENDIX B", on the following basis:

- i) That Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593, be amended by deleting TABLE 2 - PUBLIC USES, TABLE 4 - COMMERCIAL USES and TABLE 5 - INDUSTRIAL USES, and substituting APPENDICES "C", "D" and "E" attached hereto, therefor;
- ii) That Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593, TABLE 1 - RESIDENTIAL USES and TABLE 3 - INSTITUTIONAL USES be amended by deleting the SIC identification numbers;
- iii) That Sections 17C(1)(d), 17D(1)(d), 17E(1)(e), 17F(1)(d) and 17G(1)(d) be repealed in their entirety and replaced with the following:

"Accessory Uses as follows:

- 1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited.
- 2. A dwelling unit not exceeding 83.5 square metres of gross floor area which is necessary for maintenance staff for an industrial use.
- 3. Ground sign, wall sign, roof sign."
- iv) That Sections 17C(2)(h)4. and 17D(2)(h)4. be amended by adding the words "except for Lawn and Garden Centres" to the end of the clauses so that the clauses shall read as follows:  
  
"The total area used for storage outside of a building or structure shall not exceed 5% of the lot area, except for Lawn and Garden Centres."
- v) That Sections 17C(3)5.(i), 17D(3)5.(i), 17E(3)5.(i), 17F(3)5.(i), and 17G(3)5.(i) be deleted in their entirety and the following subclauses be appropriately renumbered.

vi) That a new Clause be added to Section 17C as follows:

"17C(3)6. That notwithstanding subclause 2(2)J.(xxvi), no ground sign shall be located less than 6.0 m from the front lot line."

vii) That a new Clause be added to Section 17D as follows:

"17D(3)6. That notwithstanding subclause 2(2)J.(xxvi), no ground sign shall be located less than 6.0 m from the front lot line."

viii) That a new Clause be added to Section 17E as follows:

"17E(3)6. That notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line."

ix) That a new Clause be added to Section 17F as follows:

"17F(3)6. That notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line."

x) That a new Clause be added to Section 17G as follows:

"17G(3)6. That notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line."

xi) That Section 17C(2)(b)1.(ii) be amended by adding the words "Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except" to the beginning of the subclause so that it shall read as follows:

"Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres."



- xii) That Section 17C(e)1.(i) be amended by adding the words "except for the area used for access driveways," to the beginning of the subclause so that it shall read as follows:

"except for the area used for access driveways, a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line;"

- xiii) That Section 17C(e)1.(ii) be amended by adding the words "except for the area used for access driveways;" to the end of the subclause so that it shall read as follows:

"where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line, except for the area used for access driveways;"

- xiv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council;
- xv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,
- xvi) That the "Mountain Industrial Park" Plan be renamed to "East Mountain Industrial-Business Park" Approved Plan.

#### **EXPLANATORY NOTE:**

1. City Council will adopt Official Plan Amendment No. to establish a new Special Policy Area 11a on Schedule "B", by amending Policy A.2.9.3.9 to permit offices and home improvement uses within the "M-12" and "M-13" Districts, and to rename the "East-Mountain Industrial Park" to the "East Mountain Industrial-Business Park."
2. The purpose of the by-law is to provide for changes to the "M" (Prestige Industrial) District regulations, for the East Mountain Industrial-Business Park and properties located at No. 467 Charlton Avenue East and No. 408 Cumberland Avenue, as shown on the attached maps marked as APPENDIX "A" and APPENDIX "B".

The effect of the by-law is to provide for a general text amendment to the "M" (Prestige Industrial) Districts to add and delete industrial, commercial and public uses in each of the districts as follows:

- Additions

- "M-11" offices; real estate and insurance operators; health care services; personal/household services; certain retail outlets (food stores, recreational vehicle dealers, etc.); government services.
- "M-12" offices; real estate and insurance operators; health care services; personal/household services; home improvement stores; motor vehicle services; government services; certain publishing industries (books etc.); textile industries (canvas, tire cord, textile dying, etc.) and clothing industries (sweaters).
- "M-13" trucking industries; motor vehicle services; equipment, wholesale and leasing; business services; health care services; repair services; certain textile industries (canvas, tire cord, textile dying, etc.); electrical equipment industries; building, developing and general contracting industries; industrial and engineering industries; trade contracting industries; business associations.
- "M-14" trucking industries; motor vehicle services; laundries; repair services; certain food industries (fruit, flour, etc.); certain textile industries (leather, tire cord, textile dying, etc.); electrical equipment industries; sporting goods and jewellery industries.
- "M-15" trucking industries; motor vehicle services; laundries; repair services; certain food industries (fruit, flour, etc.); certain textile industries (leather, tire cord, textile dying, etc.); electrical equipment industries; and jewellery industries.

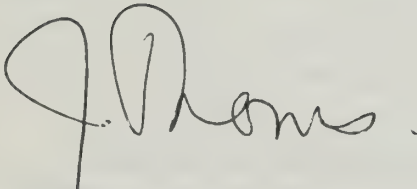
- Deletions

|        |                                                                                                                                                                                                                                                                                                  |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "M-11" | none                                                                                                                                                                                                                                                                                             |
| "M-12" | funeral home; certain textile industries (fibres, yarn).                                                                                                                                                                                                                                         |
| "M-13" | funeral home; photographer; distillery/wine industries; certain amusement and recreational services (Go Karts, horseback riding, etc.).                                                                                                                                                          |
| "M-14" | advertising services; laboratories; certain home improvement and related industries (appliance stores); certain personal service industries (photographers, etc.); non-metallic mineral products industries; certain automotive manufacturing industries (firewalls, etc.); government services. |
| "M-15" |                                                                                                                                                                                                                                                                                                  |

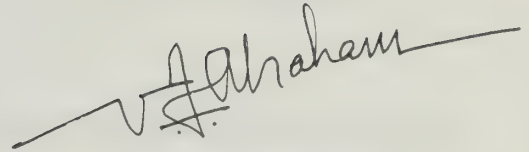
In addition, the by-law provides for the following additional amendments:

- to delete the 83.5 m<sup>2</sup> restriction on accessory office space;
- to permit outside storage areas for Lawn and Garden Centres to occupy 25% of the lot area in the "M-11" and "M-12" Districts;
- to reduce the front yard setback for ground signs in the "M-11" and "M-12" (Prestige Industrial) Districts from 12.0 m to 6.0 m;
- to reduce the front yard setback for ground signs in the "M-13", "M-14" and "M-15" (Prestige Industrial) Districts from 6.0 m to 3.0 m;
- to delete the 0.6 m front yard projection for ground signs; and,
- to amend the side yard and the landscaping provisions in the "M-11" District to provide for consistent performance standards in all "M" Districts.





**J.D. Thoms, M.C.I.P.**  
**Commissioner,**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

- Basis of the "M" (Prestige Industrial) District Study

As a result of increased development pressures and associated Zoning Applications requesting additional uses to "M" zoned lands, the Planning and Development Committee, in 1990, requested the Planning and Development Department to undertake a review of the "M" Districts to develop an appropriate land use strategy to meet changing economic trends.

Since 1983, approximately 64 rezoning applications and 12 applications through the Committee of Adjustment have been received for the East Mountain Industrial-Business Park; of these, 61 were for modifications to existing districts and the remaining 3 applications were requesting a change from one district to another. Only 9 of the requested modifications were for industrial or other uses; 67 were for additional commercial uses.

- Location of the "M" Districts

The majority of the "M" District zoned lands are located within the East Mountain Industrial-Business Park. In addition, there is a smaller area of "M-14" lands in the West Hamilton Area and two isolated parcels of land located at No. 467 Charlton Avenue East ("M-13") and No. 408 Cumberland Avenue ("M-14"). The proposed amendments would apply to the Park and the two separate parcels of land. The

West Hamilton area will remain unaffected since there is a site specific by-law for this area.

## **SUMMARY OF THE "M" (PRESTIGE INDUSTRIAL) DISTRICT STUDY**

The intent of the "M" District review was to identify appropriate amendments to the Zoning By-law which would allow the "M" Districts to be more adaptable to the changing economic trends of the 1990's without undermining the supply for industrial land in the City. The Industrial Districts within the Mountain Industrial Business Park have been undergoing changes within the last eight years, as indicated by the emerging trends of increased interest in building trades, automotive uses, smaller industrial users, employment characteristics, etc.

The planning philosophy of the East Mountain Industrial-Business Park developed in the 1970's has been fine tuned over the last 20 years. The basic land use development patterns remain achievable and desirable in the 1990's. The Park was designed to allow for 'business nodes' at major intersections, the arterial roads were for wholesale/limited industrial functions, and the interior of the Park was designated for manufacturing uses of a prestige industrial nature. The East Mountain Industrial-Business Park is the last area of vacant industrial land in the City. The uses which would locate in this Park would generally not locate in the traditional industrial areas along the bay. Accordingly, there is a need to protect lands for possible future industrial development.

- Land Use Survey and Vacant Land Inventory

In the fall of 1990, the Regional Planning and Development Department undertook a review of the uses within the East Mountain Industrial-Business Park and a vacant land inventory.

Of the total land uses within the Park, 46.2% are commercial uses, 31.2% are industrial uses (agriculture, construction, manufacturing), and 22.6% are vacant.

Within the industrial and commercial groups, the three most frequent uses are:

- industrial uses - trade contracting industries (18), fabricated metal products (14), and food industries (8); and,

- commercial uses - general contractors, engineers, developers etc.(40), warehouses (26), and retail household furnishings (19).

Based on the survey results, it appears that the Industrial-Business Park is evolving into more of a 'business' park than an 'industrial' park. In addition, the Park exhibits characteristics of 'employment areas' as illustrated by the labour force employment data. Specifically, 64% of the labour force in the Park is found in the office/retail/service sector, whereas only 27.8% of the labour force is employed in traditional manufacturing/warehouse operations. Comparatively, 53.3% of the City labour force is employed in the office/retail/service sector, whereas 25% of the labour force is employed in traditional manufacturing/warehouse operations.

With regards to the data on vacant land, it is important to note that over three times the amount of industrial based land ("M-13, 14, and 15") versus commercial type lands ("M-11, 12") is available for future development. Depending on the economic trends in the 1990's, the Park still has the potential to develop more of an industrial base as opposed to the commercial base which currently exists. However, if the current trends (pressure to commercialize the "M-12, 13, 14, and 15" Districts since the "M-11" District lands are developed) continue, then the Park will develop into a business park.

### • Trends

There are a number of trends which have emerged in the last several years that effect the nature of the Industrial-Business Park:

- there are a large number of multi-tenancy buildings (i.e. industrial condominiums) as opposed to a single user. Some users are varied, there are many buildings which have a mix of industrial and commercial uses;
- industrial land is cheaper than commercial land; accordingly, the industrial land was bought and used for commercial purposes or zoning amendments and Committee of adjustment approvals were sought to permit commercial uses which were not included;



- during the economic boom a large number of buildings were built, especially industrial condominiums, on speculation, but the supply surpassed the demand, resulting in a large number of vacant units;
- based on Statistics Canada data, in 1980, the manufacturing sector employed 36.4% of the labour force in the Hamilton Census Area (includes the Region, Grimsby and Burlington). In 1990, it fell to 24.3%. By 1990, the service sector grew to 39.9% from 30.4% in 1980. The trend has resulted in a declining 'manufacturing' sector and a growing 'service' sector;
- there has been increased pressure to locate services close by those employees who work in industrial-business parks; and,
- there are certain commercial uses (retail warehouses, home improvement centres, etc.) which do not fit into the existing commercial hierarchy (malls, commercial strips, single unit buildings) due to the nature of the design and size of these buildings.

Although, the existing uses reflect a business park, (46.4% are units used for commercial purposes), the industrial function within the Park is still viable since:

- there are 111 ha of "M-13, "M-14 and "M-15" lands available for development; and,
- 22.6% of the existing units are vacant.

Based on the information noted above, several land use options were formulated.

- Option 1

The intent of this option would be to reduce the number of "M" Districts from 5 to 3 by consolidating the "M-11" and "M-12" into one commercial district, the "M-13" and "M-14" into one industrial district and to retain the "M-15" District.

- Option 2

The intent of this option was to expand the list of permitted uses in the "M-12" District to include home improvement related uses and offices, expand the list of industrial uses in the "M-13" District by adding industries involved in building, trade contracting, etc. and to permit automotive uses in all the "M" Districts, with the exception of autobody, paint and repair shops which would be limited to the "M-14" and "M-15" Districts.

- Option 3

Option 3 was intended to eliminate the Standard Industrial Classification Codes (SIC) presently used in the Zoning By-law to define residential, public, institutional, commercial and industrial uses and change the terminology of the use to reflect a more general description.

- Options 4 and 5

These two options involve adding and deleting public, commercial and industrial uses from the various zoning districts to correct anomalies which exist (for example, all clothing industries are permitted with the exception of sweaters) and to remove/add uses which are deemed inappropriate/appropriate.

Based on a review of the various options, the most appropriate is a combination of Options 2, 3, 4, and 5.

This multi-faceted approach has a number of benefits:

- 1) it will allow for the expansion of uses within each of the districts through the combination of using the most general SIC terms (Option 3) and adding specific uses to the "M-12" and "M-13" Districts (Option 4), thereby reflecting the growing economic trends within industrial-business parks. In addition, the range of uses recognizes the functional characteristics of the park as an 'employment area';
- 2) the planning principles of locating uses with similar functional and operational characteristics together will be maintained;

- 3) at the present time, the structure of the Zoning By-law is rigid in that if a use does not fit within the definition outlined in the SIC manual, then it is not a permitted use; notwithstanding it may have functional and operational characteristics similar to other uses permitted as-of-right;
- 4) it will result in the addition of the following number of uses per district in each category:

| <u>District</u> | <u>Public</u> | <u>Commercial</u> | <u>Industrial</u> |
|-----------------|---------------|-------------------|-------------------|
| M-11            | 71            | 57                | 0                 |
| M-12            | 73            | 83                | 5                 |
| M-13            | 5             | 59                | 79                |
| M-14            | 0             | 24                | 20                |
| M-15            | <u>0</u>      | <u>19</u>         | <u>21</u>         |
| TOTAL           | 149           | 242               | 125               |

and the deletion of the following number of uses in each category:

| <u>District</u> | <u>Public</u> | <u>Commercial</u> | <u>Industrial</u> |
|-----------------|---------------|-------------------|-------------------|
| M-11            | 0             | 0                 | 0                 |
| M-12            | 0             | 1                 | 6                 |
| M-13            | 6             | 2                 | 2                 |
| M-14            | 68            | 19                | 6                 |
| M-15            | <u>68</u>     | <u>14</u>         | <u>7</u>          |
| TOTAL           | 142           | 36                | 21                |

The large number of changes in the "Public" category is the result of shifting the government offices from the "M-14 and 15" Districts to the "M-11 and 12" Districts.

- 5) the proposed amendments are in keeping with recent development trends to increase the number of services available to the employees of the Park.



By implementing these 4 options, the Zoning By-law will be more adaptive to changing economic conditions. In this regard, the proposed changes are being made on a comprehensive basis rather than a piece meal basis.

In addition to the 5 land use options, there are additional amendments required to the Zoning By-law respecting accessory office space, sign setbacks, outside storage for garden centres, and to the side yard requirement and the landscaping provisions in the "M-11" District to provide for consistent performance standards in all "M" Districts.

## **PUBLIC PARTICIPATION**

- Information Meeting - June 24, 1991

On June 24, 1991, an information meeting of the Planning and Development Committee was held to explain the findings of the "M" (Prestige Industrial) District review and to discuss the proposed amendments. Notification of the meeting was sent to all property owners within the Park and No. 408 Cumberland Avenue, and an advertisement was published in the newspaper on 2 occasions. At that time public submissions were requested.

Copies of the "M" District review were sent to the Hamilton Region Conservation Authority, the Hamilton Real Estate Board, the Construction Association and the Chamber of Commerce for their review and comment. Three submissions have been received.

- Public Submissions

A summary of and a response to each submission is noted below.

- 1) **Business Land Use Advisory Board**

The Business Land Use Advisory Board discussed the findings of the study in depth and supports the recommendations of the "M" (Prestige Industrial) District study in principle.

## 2) Paletta International Corporation

### Concerns:

It was suggested that in accordance with Official Plan policies A.2.3.1 and A.2.3.19, uses such as banks, restaurants, material suppliers, etc. which are considered to be ancillary uses and are intended to serve the personnel of the Park should be located 'as-of-right' along the major arterials, regardless of the Zoning District.

In addition, it was noted that Policy A.2.3.19 i) of the Plan requires all industrial buildings and processes to be located 90 m away from any residential building. It was recommended that this clause be reworded to exclude industrial buildings which do not conduct industrial processes such as warehousing, storage etc.

The submission also suggests that the 13.5 m setback in the "M-13" District should be reduced to 6 m and the proposed restriction on the size of the signs be deleted.

### Responses:

#### • Official Plan

The ancillary uses listed in the Official Plan are primarily commercial in nature, and are intended to be examples only. At the present time, the location of a specific use is determined by the Zoning By-law. It is felt that the uses proposed and their particular location, as identified in the "M" District study, are appropriate and there is no need to add additional ancillary uses to the zoning districts fronting on major roads.

Policy A.2.3.19 i) refers to the 90 m separation distance between industrial and residential uses. This clause is contained both in the OP and the Zoning By-law and was intended to provide a buffer between industrial uses and the existing residential uses in the Park. If the use is defined as 'industrial' in the Zoning By-law, then this

clause will apply. Uses that are warehouses and storage are considered as commercial uses not industrial uses. Accordingly, the 90 m separation distance should remain.

- **Reduction in the Setback for the "M-13" District**

The 13.5 m setback is required for all "M-13" lands which abut an "A" (Conservation, Open Space, Park and Recreation) District. This setback requirement has its basis in the original Official Plan Amendment (No. 276) and the intent was to provide for a buffer zone between the industrial and open space lands. This particular setback requirement was developed in conjunction with the Hamilton Region Conservation Authority for the protection of the open space lands. Since the study identified the need to continue to preserve the open space lands and no information has been brought forward to change the policy with respect to buffering, then the 13.5 m setback should remain.

- **Size Requirement for Signs**

Concern has been expressed over the proposed restriction in the size of signs. It was the intent of the study to introduce a size restriction for signs to be consistent with other Districts in the Zoning By-law. It was noted that the unregulated sign size has not been a problem in the area at this time. On this basis, it is suggested the size restriction be eliminated but should a problem arise in the future, then this policy should be re-examined.

### 3) **D.J Mason Electric Co. Ltd (#6-38A Bigwin Road)**

Mr. Mason feels the open space lands in the centre of the Park should be protected and that Anchor Road should be extended to Rymal Road East to allow for easier access to property owners/customers.

He also indicated that the reduction of the "M" Districts to three (M-11/M-12, M-13/M-14, M-15) will reduce the number of zoning applications. However, he was concerned how it would affect the tax base and the taxes in the area should be reviewed because of the lack of services.



Responses:

- **Taxes in the Area**

The question was raised as to the effect on realty taxes if the districts were reduced from 5 to 3. As noted, the study does not advocate combining the "M-11/M-12" and "M-13/M-14" Districts.

The Treasury Department has advised that if the Districts were combined, there would be no change in the realty tax.

It is beyond the scope of this study to deal with a review of the realty taxes as it relates to the East Mountain Industrial-Business Park and their relationship to the amount of services provided.

- **Extension of Anchor Road**

The long term plan is to continue Anchor Road south to link up with Rymal Road East. In April 1989, Regional Council approved a draft plan of subdivision to establish a portion of Anchor Road. To date, there have been no development proposals for the remaining lands abutting the proposed extension of Anchor Road.

**COMMENTS:**

The potential exists within the "M" Districts to update the uses by adapting to economic changes without undermining the planning criteria. Several options were identified; however, in order to maintain the planning philosophy for the development of the Park, the following changes would be appropriate from a planning perspective:

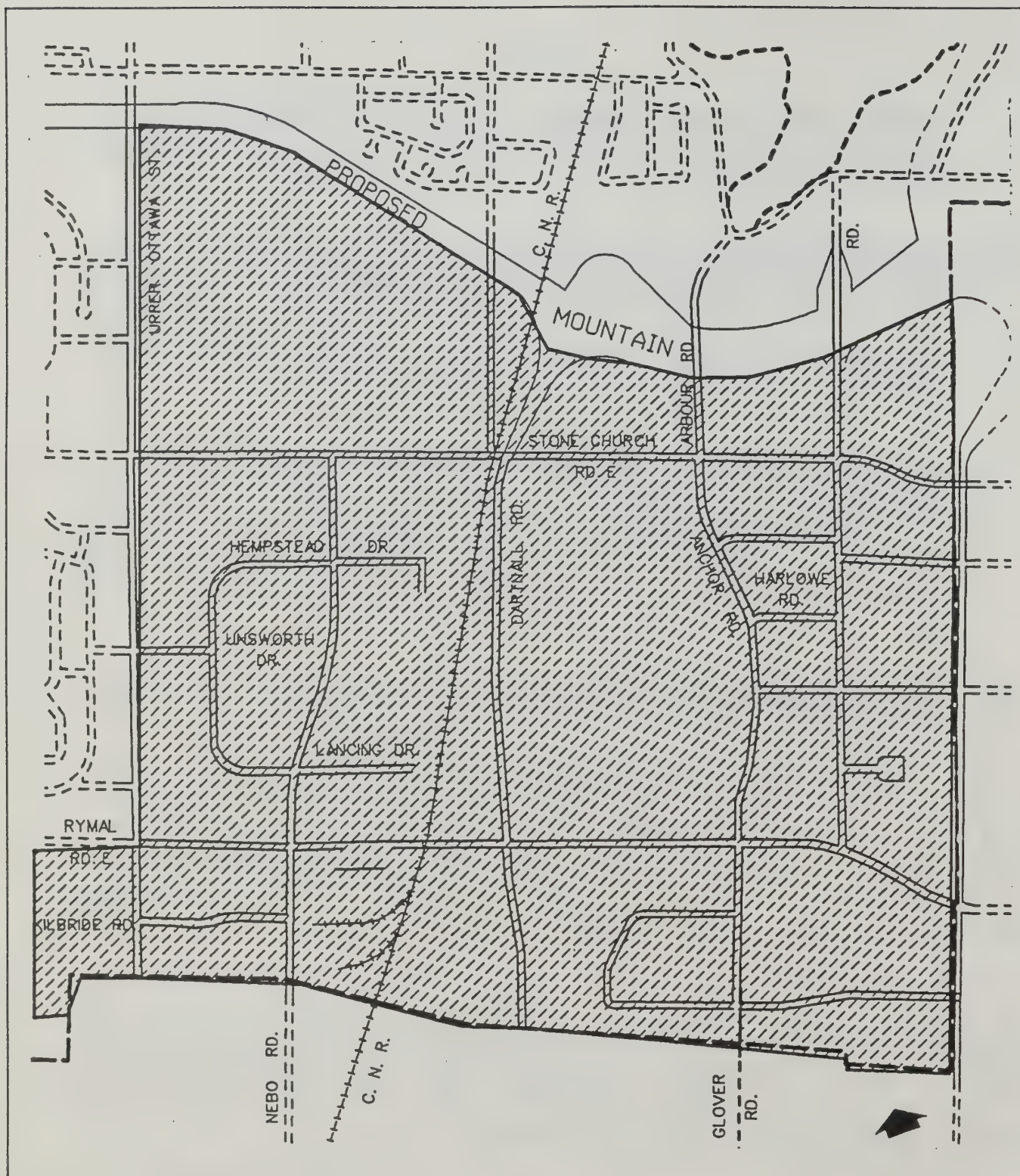
- 1) Remove the SIC Code numbers and use more general terminology to define the permitted land uses;
- 2) Add specific commercial uses (ie. household furnishings, stereos, appliances, tv, radio, floor coverings, drapery, hardware, wallpaper, paint, glass, repair shops, etc.), and offices to the "M-12" District; specific industrial uses (Building, Developing and General Contracting Industries, Industrial and Heavy (Engineering) Contracting

Industries; Trade Contracting Industries; and Services Incidental to Construction to the "M-13" District; and, automotive uses (muffler shop, rust proofing) are to be added to all the Districts;

- 3) Eliminate the anomalies which exist within the groups (3 digit) and the classes (4 digit) codes (ie. allowing all types of clothing to be manufactured except sweaters);
- 4) Delete certain uses within districts that are considered inappropriate (i.e. funeral home);
- 5) Amend the relevant sections of the Zoning By-law to eliminate the 83.5 m<sup>2</sup> restriction on accessory office use; reduce the setback requirements for signs in the "M-11", "M-12", "M-13", "M-14", and "M-15" Districts; clarify the outside storage regulations in the "M-11" and the "M-12" District as it relates to Lawn and Garden Centres; and clarify the side yard and landscaped regulations in the "M-11" District; and,
- 6) Initiate an Official Plan Amendment to ensure conformity between the O.P. and the Zoning By-law.

It should be noted that the amendments, as proposed, are **NOT** a 'panacea' in that there will always be persons wanting uses that are not permitted in industrial or commercial areas. However, they are likely to decrease the number of applications that have been received in the past. Furthermore, the proposed amendments reflect the changing economic trends and will provide for more flexibility in by-law interpretation.

For the information of the Committee, it should be noted that the Real Estate Department, Economic Development Department, Building Department, Traffic Department, Hamilton-Wentworth Engineering Department and Hamilton Region Conservation Authority all concur with the recommendations contained in this report.



**M DISTRICT STUDY**  
(Prestige Industrial)

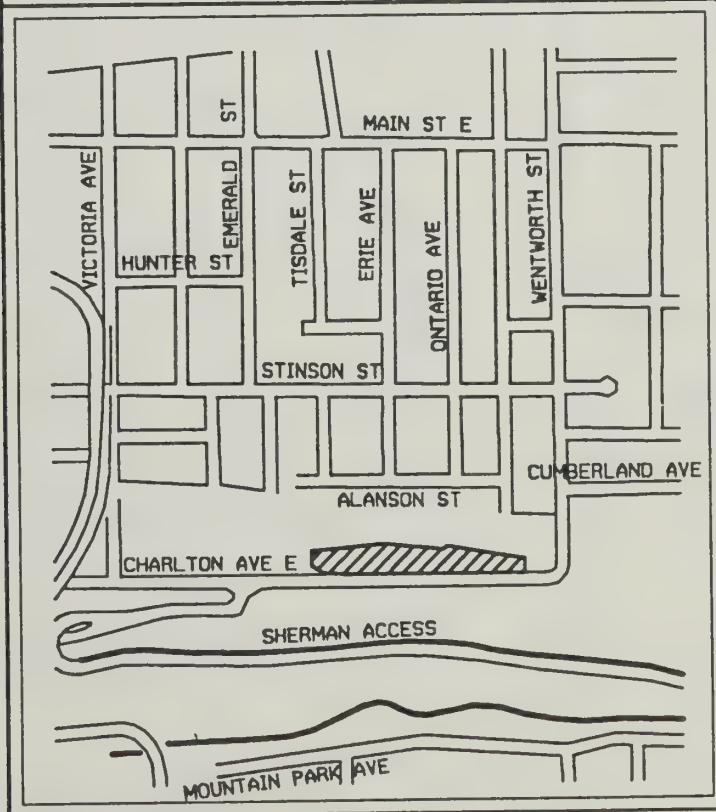
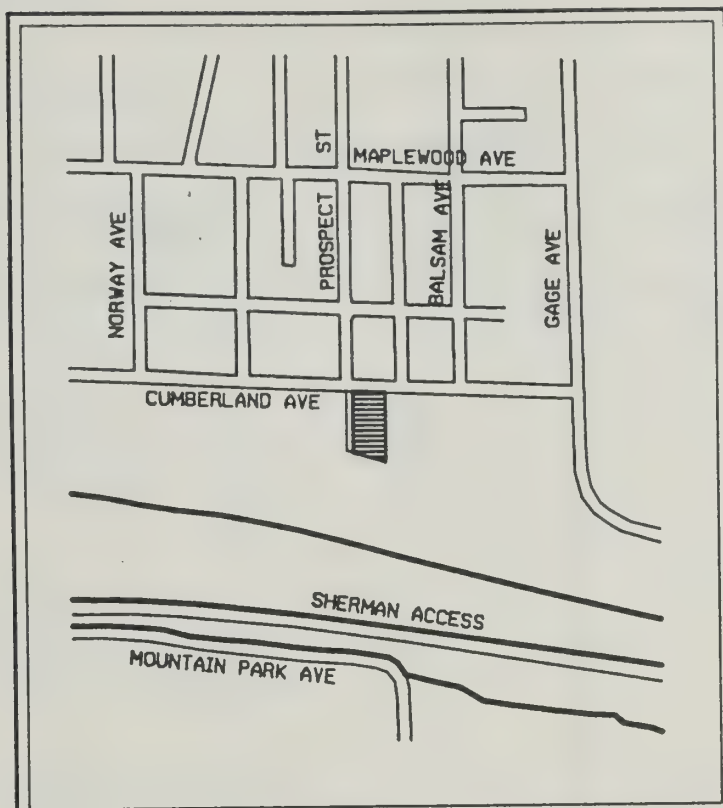
DATE : NOVEMBER 1991

--- City Boundary  
Reference File No. CI-91-A

 **M DISTRICT**

City of Hamilton  
Planning &  
Development  
Department





## M DISTRICT STUDY

(Prestige Industrial)



457 Charlton Avenue



408 Cumberland Avenue

City of Hamilton  
Planning &  
Development  
Department

Reference File No. CI-91-A

DATE : NOVEMBER 1991

APPENDIX B

| <b>USE NOT PROHIBITED</b>                                                                                                                                              | <b>DISTRICT</b> |             |             |             |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|-------------|-------------|-------------|
|                                                                                                                                                                        | <b>M-11</b>     | <b>M-12</b> | <b>M-13</b> | <b>M-14</b> | <b>M-15</b> |
| Federal Government Service                                                                                                                                             | X               | X           |             |             |             |
| Provincial Government Services                                                                                                                                         | X               | X           |             |             |             |
| Regional and Local Government Services                                                                                                                                 | X               | X           |             |             |             |
| International and Extra Territorial Government Services                                                                                                                | X               | X           |             |             |             |
| Library Services                                                                                                                                                       |                 |             | X           |             |             |
| Museums and Archives                                                                                                                                                   |                 |             | X           |             |             |
| Sports and Recreation Clubs and Services                                                                                                                               |                 |             | X           |             |             |
| Botanical and Zoological Gardens                                                                                                                                       |                 |             | X           |             |             |
| Other Amusement and Recreational Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations riding schools, trainers - all types |                 |             | X           |             |             |
| Business Associations                                                                                                                                                  | X               | X           | X           |             |             |
| Professional Membership Associations                                                                                                                                   | X               | X           | X           |             |             |
| Labour Organizations                                                                                                                                                   | X               | X           | X           |             |             |
| Political Organizations                                                                                                                                                | X               | X           | X           |             |             |
| Civic and Fraternal Organizations                                                                                                                                      | X               | X           | X           |             |             |

| USE NOT PROHIBITED                                                                                                   | DISTRICT |      |      |      |      |
|----------------------------------------------------------------------------------------------------------------------|----------|------|------|------|------|
|                                                                                                                      | M-11     | M-12 | M-13 | M-14 | M-15 |
| Project Management Construction                                                                                      |          | X    | X    | X    | X    |
| Other Services Incidental to Construction                                                                            |          | X    | X    | X    | X    |
| Truck Transport Industries                                                                                           |          | X    | X    | X    | X    |
| Public Passenger Transit Systems Industries                                                                          |          |      |      | X    | X    |
| Other Storage and Warehousing Industries with ancillary retail not to exceed 25% of the gross floor area of building |          | X    | X    | X    | X    |
| Telecommunication Broadcasting Industries                                                                            |          | X    | X    | X    | X    |
| Postal and Courier Service Industries                                                                                | X        | X    |      |      |      |
| Wholesaling:                                                                                                         |          |      |      |      |      |
| Food, beverage, drug and tobacco                                                                                     |          | X    | X    | X    | X    |
| Apparel and dry goods                                                                                                |          | X    | X    | X    | X    |
| Household Goods                                                                                                      |          | X    | X    | X    | X    |
| Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires                     |          | X    | X    | X    | X    |
| hardware and plumbing and air conditioning equipment and supplies                                                    |          | X    | X    | X    | X    |
| lumber and building materials                                                                                        |          | X    | X    | X    | X    |
| machinery, equipment and sales                                                                                       |          | X    | X    | X    | X    |
| paper and paper products                                                                                             |          | X    | X    | X    | X    |



| USE NOT PROHIBITED                                                                    | DISTRICT |      |      |      |      |
|---------------------------------------------------------------------------------------|----------|------|------|------|------|
|                                                                                       | M-11     | M-12 | M-13 | M-14 | M-15 |
| agricultural supplies                                                                 |          | X    | X    |      |      |
| toys, amusement and sporting goods                                                    |          | X    | X    |      |      |
| photographic equipment and musical instruments and supplies                           |          | X    | X    |      |      |
| jewellery and watches                                                                 |          | X    | X    |      |      |
| industrial and household chemicals                                                    |          | X    | X    |      |      |
| general merchandise                                                                   |          | X    | X    |      |      |
| books, periodicals and newspaper                                                      |          | X    | X    |      |      |
| second hand goods except automotive and machinery                                     |          | X    | X    |      |      |
| Retail Stores selling:                                                                |          |      |      |      |      |
| food                                                                                  | X        |      |      |      |      |
| liquor, wine, beer                                                                    | X        |      |      |      |      |
| prescription drugs, and medicine                                                      | X        |      |      |      |      |
| household furniture, appliances and furnishings except furniture finishing and repair | X        | X    |      |      |      |
| furniture refinishing and repair                                                      | X        | X    | X    |      |      |
| general merchandise                                                                   | X        |      |      |      |      |
| books and stationary                                                                  | X        |      |      |      |      |
| hardware, paint, wallpaper, and glass                                                 | X        | X    |      |      |      |
| sporting goods and bicycles                                                           | X        |      |      |      |      |

| USE NOT PROHIBITED                                                                                      | DISTRICT |      |      |      |      |
|---------------------------------------------------------------------------------------------------------|----------|------|------|------|------|
|                                                                                                         | M-11     | M-12 | M-13 | M-14 | M-15 |
| musical Instruments and records                                                                         | X        |      |      |      |      |
| camera and photographic supplies                                                                        | X        |      |      |      |      |
| toy, hobby, novelty and souvenirs                                                                       | X        |      |      |      |      |
| other retail stores                                                                                     | X        |      |      |      |      |
| Gasoline Service Stations                                                                               | X        |      |      |      |      |
| Recreation Vehicle Dealers                                                                              | X        | X    |      |      | X    |
| Automotive Parts and Acessories Store                                                                   | X        | X    |      |      |      |
| Motor Vehicle Repair Shops except paint and autobody repair shop                                        | X        | X    | X    | X    | X    |
| Paint and Autobody Repair Shop                                                                          |          |      |      | X    | X    |
| Other Motor Vehicle Services except car washes selling gasoline                                         |          | X    | X    | X    | X    |
| Other Motor vehicle services including car washes selling gasoline                                      | X        |      |      |      |      |
| Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area | X        | X    |      |      |      |
| Vending Machine Operators                                                                               | X        | X    |      |      |      |
| Direct sellers                                                                                          | X        | X    |      |      |      |
| Finance and Insurance Industries                                                                        | X        | X    |      |      |      |
| Real Estate Operators and Insurance Agent Industries)                                                   | X        | X    |      |      |      |

| USE NOT PROHIBITED                                                      | DISTRICT |      |      |      |      |
|-------------------------------------------------------------------------|----------|------|------|------|------|
|                                                                         | M-11     | M-12 | M-13 | M-14 | M-15 |
| Employment Agencies and Personnel Suppliers                             | X        | X    |      |      |      |
| Computer and related services                                           | X        | X    | X    |      |      |
| Accounting and bookkeeping services                                     | X        | X    | X    |      |      |
| Advertising services                                                    | X        | X    | X    |      |      |
| Architectural, Engineering, and Other Scientific and Technical Services | X        | X    | X    |      |      |
| Offices for:                                                            |          |      |      |      |      |
| lawyers, notaries                                                       | X        | X    |      |      |      |
| medical, dental                                                         | X        | X    |      |      |      |
| health practitioners                                                    | X        | X    |      |      |      |
| social services practioners                                             | X        | X    |      |      |      |
| Management Consulting Services                                          | X        | X    |      |      |      |
| Other Business Services                                                 | X        | X    |      |      |      |
| Post Secondary Non-University                                           | X        | X    | X    |      |      |
| Medical and Health Labratories                                          | X        | X    | X    |      |      |
| Health and Social Service Associations and Agencies                     | X        | X    |      |      |      |
| Food services except caterers                                           | X        |      |      |      |      |
| Outdoor Patio in conjunction with food services (restaurant) only       | X        |      |      |      |      |
| Caterers including banquet facilities                                   | X        | X    |      |      |      |



| USE NOT PROHIBITED                                                                                                                                                  | DISTRICT |      |      |      |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------|------|------|------|
|                                                                                                                                                                     | M-11     | M-12 | M-13 | M-14 | M-15 |
| Motion Picture, Audio and Video Production and Distribution                                                                                                         |          | X    | X    |      |      |
| Regular Motion Picture Theatre                                                                                                                                      |          |      | X    |      |      |
| Class H Adult Entertainment Parlour                                                                                                                                 | X        |      |      |      |      |
| Bowling Alleys and Billiard Parlours                                                                                                                                |          |      | X    |      |      |
| Amusement park and Carnival Circus                                                                                                                                  |          |      | X    |      |      |
| Dance Halls, studios and Schools                                                                                                                                    |          |      | X    |      |      |
| Roller Skating Facilities                                                                                                                                           |          |      | X    |      |      |
| Barber and Beauty Shops                                                                                                                                             | X        |      |      |      |      |
| Laundries and cleaners except distributors and/or agents for dry cleaners, Self serve laundries and/or dry cleaners , and valet services, pressing and/or repairing |          |      |      | X    | X    |
| Distributors and/or agents for Dry Cleaners                                                                                                                         | X        |      |      |      |      |
| Self serve laundries and/or dry cleaners)                                                                                                                           | X        |      |      |      |      |
| Valet Services,pressing and/or repairing                                                                                                                            | X        |      |      |      |      |
| Other Personal Household Services                                                                                                                                   | X        | X    |      |      |      |
| Machinery and Equipment Rental and Leasing Services )                                                                                                               |          | X    | X    | X    | X    |
| Automobile Truck Rental and Leasing Services                                                                                                                        |          |      |      |      | X    |

| USE NOT PROHIBITED                  | DISTRICT |      |      |      |      |
|-------------------------------------|----------|------|------|------|------|
|                                     | M-11     | M-12 | M-13 | M-14 | M-15 |
| Photographers                       | X        | X    |      |      |      |
| Repair Services                     |          | X    | X    | X    | X    |
| Services to Buildings and Dwellings |          | X    | X    | X    | X    |
| Travel Services                     | X        | X    |      |      |      |

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| USE NOT PROHIBITED                                                              | DISTRICT |      |      |      |      |
|---------------------------------------------------------------------------------|----------|------|------|------|------|
|                                                                                 | M-11     | M-12 | M-13 | M-14 | M-15 |
| Fruit and Vegetable Industry                                                    |          |      |      | X    | X    |
| Dairy Products Industry                                                         |          |      |      | X    | X    |
| Bakery Products Industry                                                        |          |      |      | X    | X    |
| Sugar and Sugar Confectionary Industries<br>except Cane and Sugar Beet Industry |          |      |      | X    | X    |
| Other Food Products Industries                                                  |          |      |      | X    | X    |
| Soft Drink Industry                                                             |          |      | X    | X    | X    |
| Brewery, Distillery, Wine Industries                                            |          |      |      | X    | X    |
| Rubber Products except Tire and<br>Tube Industries                              |          |      |      | X    | X    |
| Leather and Allied Products Industries<br>except leather tanneries              |          | X    | X    | X    | X    |
| Primary Textile Industries                                                      |          |      |      | X    | X    |
| Textile Products Industries except<br>carpets, mats, rugs industry              |          | X    | X    | X    | X    |
| Clothing Industries                                                             |          | X    | X    | X    | X    |
| Sash, Door and Other Millwork<br>Industries                                     |          |      |      | X    | X    |
| Wooden Box and Pallet Industries                                                |          |      |      | X    | X    |
| Coffin and Casket Industries                                                    |          |      |      | X    | X    |
| Other Wood Industries except Wood<br>Preservation Industry                      |          |      |      | X    | X    |
| Furniture and Fixture Industries                                                |          |      |      | X    | X    |



| <b>USE NOT PROHIBITED</b>                                                                                                                           | <b>DISTRICT</b> |             |             |             |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|-------------|-------------|-------------|
|                                                                                                                                                     | <b>M-11</b>     | <b>M-12</b> | <b>M-13</b> | <b>M-14</b> | <b>M-15</b> |
| Paper Box and Paper Bag Industries                                                                                                                  |                 |             | X           | X           | X           |
| Printing, Publishing, and allied Industries                                                                                                         |                 | X           | X           | X           | X           |
| Fabricated Metal Products Industries - (Except Machinery and Transportation Equipment Industries) - except Power Boiler and Heat Exchanger Industry |                 |             |             | X           | X           |
| Motor Vehicle Part and accessories Industries except firewall and leaf spring manufacturing                                                         |                 |             |             | X           | X           |
| Boat Building and Repair Industry                                                                                                                   |                 |             |             | X           | X           |
| Small Electrical Appliance Industry                                                                                                                 |                 |             | X           | X           | X           |
| Major Appliance Industry                                                                                                                            |                 |             | X           | X           | X           |
| Electric Lighting Industries                                                                                                                        |                 |             | X           | X           | X           |
| Record Player, Radio, Television Receiver Industry                                                                                                  |                 |             | X           | X           | X           |
| Communication and other Electronic Equipment Industries                                                                                             |                 |             | X           | X           | X           |
| Office, Store and Business Machine Industries                                                                                                       |                 |             | X           | X           | X           |
| Electrical industrial equipment Industries                                                                                                          |                 |             | X           | X           | X           |
| Communications and Energy Wire and Cable Industries                                                                                                 |                 |             | X           | X           | X           |
| Electrical Products Industries except Battery Industry                                                                                              |                 |             | X           | X           | X           |
| Clay Products Industries                                                                                                                            |                 |             |             | X           | X           |

| <b>USE NOT PROHIBITED</b>                                                        | <b>DISTRICT</b> |             |             |             |             |
|----------------------------------------------------------------------------------|-----------------|-------------|-------------|-------------|-------------|
|                                                                                  | <b>M-11</b>     | <b>M-12</b> | <b>M-13</b> | <b>M-14</b> | <b>M-15</b> |
| Concrete Products Industries                                                     |                 |             |             | X           | X           |
| Glass Products Industries except<br>Glass Containers                             |                 |             |             |             | X           |
| Other Non-metallic Products Industries<br>except asbestos and gypsum<br>products |                 |             |             | X           | X           |
| Pharmaceutical and Medicinal<br>Products                                         |                 |             | X           | X           | X           |
| Toilet Preparations Industry                                                     |                 |             | X           | X           | X           |
| Scientific and Professional Equipment<br>Industries                              |                 |             | X           | X           | X           |
| Jewellery and Precious Metals<br>Industries                                      |                 |             | X           | X           | X           |
| Sporting Goods and Toy Industries                                                |                 |             | X           | X           | X           |
| Sign and Display Industry                                                        |                 |             | X           | X           | X           |
| Manufactured Products Industries                                                 |                 |             | X           | X           | X           |
| Building, Developing, and General<br>Contracting Industries                      |                 |             | X           | X           | X           |
| Industrial and Heavy (Engineering)<br>Construction Industries                    |                 |             | X           | X           | X           |
| Trade Contracting Industries                                                     |                 |             | X           | X           | X           |

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CITY CLERK

**THE CORPORATION OF THE CITY OF HAMILTON**

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700  
FAX: 546-2095

**NOTE: 10:00 O'CLOCK A.M.  
TIME FOR MEETING**

**1992 February 27**

URBAN MUNICIPAL

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1992 March 04  
10:00 o'clock a.m.  
Room 233, City Hall**

A handwritten signature in dark ink, appearing to read 'T. Agnello', written over a horizontal line.

Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA:**

1. **CONSENT AGENDA**
2. **BUILDING COMMISSIONER**
  - 2.1 **Committee of Adjustment Fees - 1992**



### **10:15 O'CLOCK A.M.**

- 2.2 Public Meeting re: General Text Amendment to Zoning By-law No. 6593 to add a definition of "owner" to Section 2 - Interpretation and Definitions (Building Department BI-91-10)

### **ZONING APPLICATIONS**

#### **10:30 O'CLOCK A.M.**

3. Amended Zoning Application 91-65, St. Lawrence Cement Inc., owner, for a further modification to the "M-15" District regulations for property at No. 475 Nebo Road; West Hannon Neighbourhood
- (a) Submission - Lorne Hubber, 195 Hempstead Drive, Hamilton, L8W 2E6
4. Zoning Application 91-79, Angelo Salciccioli, prospective owner, for a change in zoning from "L-mr-1" to "DE-3" for property at No. 1067 Rymal Road East; Templemead Neighbourhood
- (a) Submission - Glenn Lethbridge, 38 Everest Street, Hamilton, L8W 2G9
- (b) Submission - Carlo Caruso, 26 Everest Street, Hamilton, L8W 2G9

#### **10:45 O'CLOCK A.M.**

5. Zoning Application 91-69, Agommen Ltd., prospective owner, for a change in zoning from "J" to "DE-3" for property at No. 165 Burton Street; Industrial Section "A" and Keith Neighbourhood
- (a) Submission - T. Nakamura, Canadian Engineering and Contracting Company Ltd., 121 Shaw Street, Hamilton, L8N 3N1
- (b) Submission - Joyce Naylor, 150 Burton Street, Hamilton, L8L 3R6
6. Zoning Application 91-82, Domenico Derosa, owner, for a modification to the "D" District regulations for property at No. 547 Wilson Street and 549 Wilson Street; Gibson Neighbourhood
- (a) Submission - Clara Andrews, 83 Sanford Avenue North, Hamilton

#### **7. OTHER BUSINESS**

#### **8. ADJOURNMENT**





## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

| <u>ITEM</u>                                                                 | <u>ORIGINAL DATE</u> | <u>ACTION</u>                            | <u>STATUS</u>                                                                                                                         |
|-----------------------------------------------------------------------------|----------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Control of Satellite Dishes                                                 | 1989 Apr. 26         | Planning                                 | Pending Report                                                                                                                        |
| Mobile Signs                                                                |                      | Planning                                 | Report Pending                                                                                                                        |
| Land Use Review Upper James Street (west side, Wembley to South Bend Roads) | 1990 June 20         | Planning                                 | Report back for further review                                                                                                        |
| C.I.90-F - Parking requirements in the Central Business District            | 1990 July 25         | Planning                                 | Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back |
| Site Plan Enforcement Procedures                                            | 1991 Jan. 23         | Building, Regional Engineering, Planning | Report back on alternative proposals                                                                                                  |
| City Initiative - Wm. Connell Park, Redbirds Double "A" facility            | 1991 April 24        | Planning                                 | To be processed                                                                                                                       |



| <u>ITEM</u>                                                                      | <u>ORIGINAL DATE</u> | <u>ACTION</u>                            | <u>STATUS</u>                                                                                              |
|----------------------------------------------------------------------------------|----------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------|
| ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East | 1991 April 24        | Regional Engineering/<br>Ward 7 Aldermen | Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting |
| C.I. - Mohawk Sports Park & Bernie Arbour Stadium                                | 1991 May 22          | Planning                                 | To be processed                                                                                            |
| Review of the "M" District                                                       | 1991 May 22          | Planning                                 | Pending final report - Public Meeting in 1992 February                                                     |
| Conditions of conversions - separate utility controls                            | 1991 June 19         | Building                                 | Report pending                                                                                             |
| ZA 91-43 - 145 MacNab Street North                                               | 1991 October 23      | Planning                                 | Tabled to resolve design issues and height of building.                                                    |
| Site Plan Control Application DA-91-50 - 45 Hempstead Drive                      | 1992 January 8       | Planning                                 | Tabled - Applicant directed to proceed through Committee of Adjustment                                     |
| ZA-91-54<br>276 Sanford Avenue North                                             | 1992 January 22      | Planning                                 | Tabled - upon the request of the applicant                                                                 |
| 1992 February 13                                                                 |                      |                                          |                                                                                                            |





**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 MARCH 04**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 February 19.

**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Alterations to Designated House at 105 Aberdeen Avenue

**C. BUILDING COMMISSIONER**

Demolition of 420 Wilson Street - Tag Number 85837

**D. ACTING DIRECTOR OF PUBIC WORKS**

Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Light Fixtures at Lockwood Motors Ltd.

**E. COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Residential Enclaves Study
- (b) City of Hamilton Response - Recommended actions for the Preferred Growth Concept (Growth Strategy Study) for the Town of Flamborough
- (c) Proposal to remove part-lot control from Lot 5, Registered Plan 62M-653
- (d) Extension of Draft Approval for "Wisemount Forest Survey" Subdivision
- (e) CAPIC - Use of the Wentworth County Court House



A.

Wednesday, 1992 February 19  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

**Also present:** Alderman T. Jackson  
V. Abraham, Planning Department  
P. Mallard, Planning Department  
J. Hickey-Evans, Planning Department  
C. Floroff, Planning Department  
K. Extance, Planning Department  
B. Janssen, Planning Department  
L. King, Building Department  
W. Wong, Building Department  
J. Campbell, Building Department  
R. Karl, Traffic Department  
D. Vyce, Property Department  
G. Aston, Engineering Department  
D. Powers, Law Department  
T. Agnello, Secretary

1. **CONSENT AGENDA**

The consent agenda was approved with the exception of item C(b) Lot Grading, and D(b) Committee of Adjustment fees which were dealt with in the regular agenda.

A. **ADOPTION OF THE MINUTES**

The minutes of the Planning and Development Committee meeting of 1992 February 5 were adopted as amended to include Alderman Wilson as being present.

B. **CITY SOLICITOR**

(a) **Expropriation - Offer of Compensation and Notice of Possession of Property, 217 Brant Street, Hamilton**

As recommended by the City Solicitor in a report dated 1992 February 11, the Committee recommended to Council as follows:

That with respect to the residential land expropriated by Expropriation Plan 79835 registered April 9, 1991, for purposes pursuant to Expropriation By-law 91-043 enacted on March 12, 1991, the City Clerk is authorized and directed to:



- (i) Sign and serve Notice in accordance with Section 39 of the Expropriation Act, R.S.O. 1990, C. E-26, that possession of the expropriation land is required;
- (ii) Sign and serve Offers of Compensation in accordance with Section 25 of the Expropriations Act for the expropriated land as follows:

\$71,000.00 - Former Owners - Fedele Intini/Josephine Mary Zardian

**C. ROADS DEPARTMENT**

- (a) **Rushdale Manor Subdivision, west side of Upper Sherman Avenue south side of Ruby Street**

As recommended by the Senior Director of the Roads Department in a report dated 1992 February 4, the Committee recommended to Council as follows:

- (i) That the subdivision agreement between 810379 Ontario Inc. and the City of Hamilton registered as Instrument No. 255517 L.T. regarding the "Rushdale Manor" Subdivision, Registered Plan 62M-620, be amended by an amending agreement in a form satisfactory to the Law Department, including the following changes:
  - (1) That paragraph 2 of Schedule "J" be deleted;
  - (2) That paragraph 2 of Section XVI - Development Charge at page "ix" be deleted;
  - (3) That reference to Section XVI(2) be deleted from Section XVIII(2) - Financial Arrangements and that the deposit requirements of that Section be reduced accordingly by \$5,775.00;
  - (4) That the sum of \$5,775.00 being an estimated amount of potential Development Charges for development upon land adjacent to Lots 1 to 8 inclusive on the plan be refunded by the City without interest to 810379 Ontario Inc.; and
  - (5) That the amending agreement be registered in the Land Registry Office for Hamilton at the expense of the developer, 810379 Ontario Inc.

**D. BUILDING COMMISSIONER**

- (a) **Demolition of 539 Concession Street - Tag Number 85731**

As recommended by the Building Commissioner in a report dated 1992 February 10, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 539 Concession Street.

- (b) **Demolition of 1343 Upper Wellington Street - Tag Number 85770**

As recommended by the Building Commissioner in a report dated 1992 February 10, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 1343 Upper Wellington Street.

(c)      **Demolition of 35 Aikman Avenue - Tag Number 85823**

As recommended by the Building Commissioner in a report dated 1992 February 12, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 35 Aikman Avenue.

E.      **COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a)      **Authorization for Public Meeting for Carpenter Neighbourhood**

The Committee approved the following recommendation of the Commissioner of Planning and Development in a report dated 1992 February 11 as follows:

That a public meeting be authorized to discuss the proposed neighbourhood plan and accompanying Official Plan amendment.

(b)      (i)      **Authorization to hold an Information Meeting - 1992 City of Hamilton Municipal Housing Statement Update**

The Committee approved the following recommendation of the Commissioner of Planning and Development in a report dated 1992 February 11:

That authorization be given to hold an information meeting to consider the recommendations contained in the draft report entitled "1992 City of Hamilton Municipal Housing Statement Update".

(ii)      **Revised Work Plan - Implementation of Provincial Policy Statement, Land Use Planning for Housing**

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 11, the Committee recommended to Council as follows:

(1)      That the revised work plan contained in the report "Revised Work Plan - Implementation of Provincial Policy Statement Land Use Planning for Housing", attached herewith and marked Appendix "A", be endorsed; and

(2)      That the Minister of Municipal Affairs be advised of City Council's endorsement.

(c)      **Site Plan Control Application 91-67 to amend DA-90-99, Taba Developments Ltd., owner of land on the east side of Upper Ottawa Street, south of Stone Church Road East; Rymal Neighbourhood**

A.      As recommended by the Commissioner of Planning and Development in a report dated 1992 February 10, the Committee recommended to Council as follows:

(a)      That approval be given to Site Plan Control Application DA-91-67 to amend DA-90-99 by Taba Developments Ltd., owner, of land on the east side of Upper Ottawa

Street, south of Stone Church Road East, for modifications to the site and the expansion of the proposed buildings to the industrial/commercial development subject to the following:

- (b) modification to the plan in relation to notes and dimensions as marked in red on the plans;
  - (c) provision of Reciprocal Agreement and appropriate agreements which will govern the relationship between the existing development to the north and the individual phases of development on the subject land;
  - (d) provision of a note on the plan to indicate the requirement of approval by the Committee of Adjustment prior to construction of Building "B", to permit a 0.0 m setback from the three boundary lines at the northerly end of the subject lands instead of the required 6.0 m minimum; and further,
- B. That approval be given to register plans of Site Plan Control Application DA-91-67 by Taba Developments Ltd., owners, of lands on the east side of Upper Ottawa Street, south of Stone Church Road East, to amend the plans of Site Plan Control Application DA-90-99, registered on title on August 23, 1991 as Instrument No. 306726 lt.

F. **ACTING DIRECTOR OF PUBLIC WORKS**

- (a) **Central/Beasley P.R.I.D.E. Housing Intensification Programme; Authorization to hold a Public Meeting**

As recommended by the Acting Director of Public Works in a report dated 1992 February 12, the Committee recommended to Council as follows:

That a public meeting be held for the purpose of receiving citizen input with respect to Addendum Number 1 to the Community Improvement Plan for the Central/Beasley P.R.I.D.E. H.INT Community Improvement Project Area.

- (b) **Commercial Improvement Programme; Paving of Alleyways within the International Village Business Improvement Area (B.I.A)**

As recommended by the Acting Director of Public Works in a report dated 1992 February 13, the Committee recommended to Council as follows:

- (i) That Item 4(a) of the Second Report of the Planning and Development Committee approved by City Council on 1992 January 28 be amended to read:

That within the International Village B.I.A., the east/west alleyway, between King William and King Street East, from Ferguson Avenue North to Jarvis Street and from Ferguson Avenue North to approximately 50 metres westerly be paved under the Commercial Improvement Programme at an estimated cost of twenty-nine thousand, four hundred dollars (\$29,400.) plus contingencies; and,



- (ii) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.

**G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

**(a) 1992 National Planning Conference; Washington, 1992 May 9 - 13**

As recommended by the Secretary of the Planning and Development Committee in a report dated 1992 February 14, the Committee recommended to Council as follows:

- (i) That the Chairman or his designate be authorized to attend the 1992 National Planning Conference to take place on May 9 to 13, 1992 in Washington.
- (ii) That costs for attendance be allocated to Alderman Travel Account No. CH55201-10010 from the 1992 Operating Budget.

**REGULAR AGENDA**

**2. BUILDING COMMISSIONER**

**2.1 Commercial Facade Loan Programme - 640 Concession Street, Hamilton**

In response to a question from Alderman Eisenberger, J. Campbell and Alderman Drury advised that the work is seen as highly enhancing the beautification of facades on the street. It is for the good of all members of this B.I.A. and this is why it is being given at half prime rate.

As recommended by the Building Commissioner in a report dated 1992 January 29, the Committee recommended to Council as follows:

That the Commercial Facade Loan approved by City Council for Dr. William Cowan, 640 Concession Street on 1990 December 11 be rewritten at 4% interest rather than 6 5/8%. The \$15,000. loan has not been advanced as of this because of problems in the owner obtaining an Encroachment Agreement.

**2.2 Hamilton Rehabilitation Loan Programme - T. Dolan, 31 Frederick Avenue, Hamilton**

As recommended by the Building Commissioner in a report dated 1992 January 29, the Committee recommended to Council as follows:

That for hardship reasons, the Building Department, Loans Division, refinance a loan under the Hamilton Rehabilitation Loan Programme for Mr. T. Dolan, 31 Frederick Avenue, Hamilton, at 3% interest for another five (5) years rather than the City's prime lending rate.

**3. CITY SOLICITOR**

**3.1 Second Phase Civic Square Ltd. - Assignment of Grand Lease to Second Phase Enterprises Inc. and to Masbro Development Ltd.**

As recommended by the City Solicitor in a report dated 1992 February 13, the Committee recommended to Council as follows:



That the request of Second Phase Civic Square Limited, lessee of Phase II, Lloyd D. Jackson Square for the City's approval as lessor to assign the Ground Lease dated November 19, 1975 to Second Phase Enterprises Inc. and to Masbro Development Limited be granted subject to the following:

- (a) that the said two lease assignees enter into the Assignment of Ground Lease Agreement (with the City and Second Phase Civic Square Limited) to assume all obligations of Second Phase Civic Square Limited to the City under the Ground Lease and to provide assurances to the City that the assignees will be bound by and perform the Ground Lease;
- (b) that the two lease assignees enter into the "Consent to Assignment of Agreements" - Agreement to assume the obligations of Second Phase Civic Square Limited to the City under the agreements listed therein including the Hotel, Interface Agreement and the Bay Street Truck Tunnel Agreement;
- (c) that the City receive the Certificate of an Officer of Second Phase Civic Square Limited and of the two assignees in a form satisfactory to the Law Department confirming that The Standard Life Assurance Company and the shareholders of Yale Properties Ltd. (who together presently control Second Phase Civic Square Limited) each control one of the assignees.

4. COMMISSIONER OF PLANNING AND DEVELOPMENT

**Response to the Commissioner on Planning and Development in Ontario (Sewell Commission) Goals**

Carolyn Floroff gave a brief presentation on the Sewell Commission goals.

Alderman Eisenberger was of the opinion that planning needs to be more restrictive and focused and that there should be more consistency.

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 13, the Committee recommended to Council as follows:

- A. That Planning and Development Committee recommended to Council that the Commission on Planning and Development in Ontario (Sewell Commission) be advised that the City of Hamilton:

- (a) supports the Commission's goals
  - (i) on "Common Grounds" in their entirety;
  - (ii) of the Urban Working Group, with the exception of goals 2, 4 and 5, under "Goals Regarding Process". Official Plans must be flexible and adaptable to change to reflect the dynamics of the society in which we live. Goal 3 must be broader to include not just the public, but all the stakeholders, including the public. These goals should support decision making at the level of government closest to the public, and therefore most accountable; and,

- (iii) of the Urban Fringe Working Group including goals 1, 2 and 3 (which are applicable to the City of Hamilton);

(b) request the Commission to:

- (i) direct the Province to delegate more areas of authority regarding policy development, except where there are issues of Provincial interest (i.e. fruitlands, prime agricultural land), and planning approvals to municipalities.
- (ii) review the role of provincial policy statements in the planning process, including ways in which municipalities, the public and other interested parties are, or should be involved in the formulation of policies expressing a Provincial interest;
- (iii) develop a statement of purpose for The Planning Act, and identify components of the Act which would be more appropriately placed in a regulation;
- (iv) recommend ways in which the processes which govern individual pieces of Provincial legislation could be consolidated to reduce duplication and delay, and to promote good decisions based on a comprehensive examination of the issues;
- (v) in consultation with local governments review the planning functions of municipal and provincial agencies, and recommend structural changes which would permit efficient, integrated and effective development and implementation of local policy initiatives and enhance public accessibility within the process at one level of planning;
- (vi) investigate ways to enhance the ability of municipalities to implement local policies, such as: providing municipalities with right-of-entry and more effective heritage controls; assisting municipalities in establishing community development corporations or community land trusts; allowing municipalities to provide incentives to encourage environmental protection to other desirable activities; and, permitting/encouraging municipalities to use innovative financing tools for community renewal projects;
- (vii) redefine official plans as visionary and policy documents that address social, environmental and economic issues in a land use planning context;

- (viii) provide more direction, through The Planning Act, on the official plan's purpose and philosophy, minimum requirements, specific matters to be addressed, degree of specificity, and relationship to the budget process, and other policy and regulatory documents;
- (ix) examine the implications of, and make recommendations on radically restructuring the Ontario Municipal Board and improving time frames for hearings while maintaining the opportunities for objectiveness, fairness and legal rights;
- (x) investigate creative ways to improve the development process such as: modifying the notification requirements for Official Plan to be consistent with zoning by-laws; allowing for conditional approvals (e.g. zoning, site plan approval) with a time limit; introducing a time limit for submissions of appeals where Council denies an application; allowing for conditional uses subject to fixed rules/criteria; giving circulated agencies, particularly the Provincial departments, a specific time period to comment on applications; accountability for decisions should be at the lowest level (i.e. Council) with fewer referrals to the Ontario Municipal Board (only where there is a declared Provincial interest); delegating approval process for minor applications (e.g. conversions, parking lots) by a sub-committee or appointed municipal representative;
- (xi) investigate ways in which planning legislation, professional planners and private developers could improve opportunities for the community to effectively engage in planning and development in a conciliatory, as opposed to an adversarial manner; and,
- (xii) continue the present goal setting exercise within the context of a broader review of the planning system and ways to improve it.

B. That the Clerk be requested to forward this report to the Sewell Commission and the Hamilton-Wentworth Region.

5. **Item D(b) of the Consent Agenda, Building Commissioner - Committee of Adjustment Fees**

Alderman Charters did not agree with the differentiation between "land two family dwellings" and "other". He does not believe that businesses can afford additional costs.



Alderman Merling suggested that the report be referred back for additional information in terms of how many applications are received per year and the proportion of "land two family homes" to "other".

Alderman Kiss suggested that the mandate of the Committee of Adjustment be reviewed.

The Committee resolved that the report of the Building Commissioner dated 1992 February 6 be referred back to staff with instructions to provide additional background information.

**6. Item C(b) of the Consent Agenda, Senior Director, Roads Department - Lot Grading**

Mr. Bob Harkness of 148 Chesley Street in Hamilton was present to speak on the matter. He suggested that all lots be required to meet grading requirement, not just those lots being severed into four or more lots. He stated that the policy is a step in the right direction but that he is having problems with his neighbours regarding grading of a single lot which was severed.

Mr. Aston advised that it is not usual for grading problems to result from a one lot severance. The lawyer and consultant fees which would be required for a single lot severance would usually not be warranted.

Alderman Merling explained that the City of Burlington has control over grading for one lot severance. He asked that this be revisited and brought back to the Committee.

As recommended by the Senior Director of the Roads Department in a report dated 1992 February 13, the Committee recommended to Council as follows:

- (a) That the City Modified Subdivision Agreement be revised in a form satisfactory to the City Solicitor to include the existing grading policy established in 1988 for subdivisions, as set out in Sections II, VIII and Schedule "D" of the City's Subdivision Agreement, and that \$2,000 per lot be retained in the form of a letter of credit as security in the event that the grading is not completed as planned.
- (b) That the land owners who currently have completed Modified Subdivision Agreements that have not been executed and returned to the City prior to the adoption of this resolution, be advised that they have fifteen (15) working days following the adoption of this policy to submit their executed documents; otherwise, the Modified Subdivision Agreements will be revised to include the grading provisions.

## **ZONING APPLICATIONS**

**7. Amended Zoning Application 91-40 Frank Toth, Tony DiFranco and Angelo Coca, owners, for a change in zoning from 'AA' to 'C' for property at Nos. 478 and 488 Rymal Road East; Chapple East Neighbourhood**

Paul Mallard advised that this application was previously considered by the Committee and denied. The application asks for an amendment to allow for 19 "C" zone lots. Only 2 lots presently meet the frontage requirements for B2 lots. The application undermines Council's policies and objectives which provide for a variety of housing styles and densities. He explained that this is not a public meeting. If the Committee is considering approval, a public meeting will be required.

Joseph Maziarz, applicant, and Mr. H. Gazenbeck, Planner, were present.

Mr. Gazenbeck explained that they are proposing 20 lots measuring 420 square metres or 2.8 acres. He stated that there will be larger than the C zone requirements



on the average. There is no written policy that requires B2 zoning. These larger homes will be adjacent to a townhouse development and will only be accessible to Arrowhead Drive. He finds no reason why this area has been designated for larger lots. He argued that the streetscape should be balanced and, as such, the frontages of lots should be 50 not 90 feet. At present, 90' lots are not viable since there is no market for prestige homes. He stated that the City's policies are inconsistent with Provincial guidelines. He feels that the developer's plan conforms and recommended that the Committee hold a public meeting to consider the proposal.

Martin J. Weldon of 50 Rymal Road East was present in favour of the development.

Alderman Merling urged the Committee not to vary from the policy which the Planning and Development Committee and Council has approved. The recommendation of the Commissioner of Planning and Development should be confirmed. Alderman Eisenberger and Alderman Wilson concurred.

Mayor Morrow also concurred and explained that the City is attempting to balance social and affordable housing with higher tax housing. There is very little of this type of housing in the City and, as such, people are forced to purchase in the suburbs.

Alderman D'Amico stated that larger expensive homes should not be built near multiple dwellings because the values will decrease. He suggested that the larger lots be maintained away from the existing townhouses.

A motion to hold a public meeting on the zoning application was placed on the floor and defeated by the Committee.

Subsequently, the Committee moved to recommend to Council the recommendation of the Commissioner of Planning and Development in a report dated 1992 February 12 as follows:

That amended Zoning Application 91-40, Frank Toth, Tony DiFranco and Angelo Coca, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family development, on property located at 478 and 488 Rymal Road East, as shown on attached map marked as Appendix "B", be denied for the following reasons:

- (a) it conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "Larger Lots" under the "Single and Double Residential" designation;
- (b) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "Larger Lots". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities..."

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "Larger Lots".

Alderman D'Amico wished to be recorded as opposed to this motion.

## 8. NEW BUSINESS

The Committee moved to hear a matter regarding new business.

### 8.1 Representation of OMB Hearings

Paul Mallard advised that there are 3 OMB hearings scheduled for 3 Committee of Adjustment applications regarding residential conversions which

were denied by the Committee of Adjustment. He requested that staff be directed to represent the City at these hearings.

The Committee recommended to Council that the appropriate staff be directed to represent the City of Hamilton at the scheduled OMB hearings for Committee of Adjustment applications A-90-306, A-90-319, and A-90-374.

9. **Zoning Application 91-74, Sylvia Tofano, owner, for a change in zoning from "DE-2" to "H" for property at No. 809 Main Street East and No. 100 Barnsdale Boulevard, Stipley Neighbourhood**

Paul Mallard advised that the intent of the application is to convert the first floor to a ladies dress shop. He explained that the subject property is worthy of presentation and that Planning staff recommends approval. He advised that the requirement for a visual barrier be deleted from the recommendation. Of notices mailed to residents, 17 were received in favour and 5 opposed.

Mr. and Mrs. Tofano were present with their solicitor. Mrs. Tofano stated that she is a lifetime resident of the ward and would like to be a good neighbour and establish a new business. She is providing parking spots for her customers.

Anna Sadiwskyj of 96 Barnsdale Boulevard was present to object to the application. She submitted a petition with names against the zoning. She was concerned with traffic as well as keeping the area residential.

Frank Tofano, co-owner, explained that the remainder of the building will be residential; only the first floor will be used as a business.

Alderman Jackson stated that he is the cousin of Mrs. Tofano. He advised that the business will be a high end dress shop and will not generate a great deal of traffic.

In response to a question from the Chairperson, Roland Karl advised that at present there is only one parking space on-site and that four are required for residential use.

Replying to the Chairperson, Mr. W. Wong stated that the basement unit is not recognized.

Mr. Tofano advised that the basement unit is 800 to 900 square feet and, as such, it is a legal use.

The Committee recommended to Council the recommendation of the Commissioner of Planning and Development in a report dated 1992 February 12 as amended as follows:

That approval be given to amended Zoning Application 91-74, Sylvia Tofano, owner, for a modification to the existing "DE-2" (Multiple Dwellings) District regulations to permit a dress shop on the ground floor of the existing building for a property located at 809 Main Street East and 100 Barnesdale Blvd., as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
  - (i) That notwithstanding Section 10B(1) of By-law No. 6593 a ladies dress shop shall be permitted only on the ground floor of the existing building;
  - (ii) That notwithstanding Section 19 (iii) of By-law No. 6593, a dwelling unit having a floor area of at least 65.0 square metres shall be permitted in the cellar rather than the first floor;



- (iii) That notwithstanding Section 10B of By-law No. 6593, a pylon sign shall be permitted only in the southerly side yard and having a maximum area of 2.5 square metres; a height not to exceed 4.5 metres with a minimum clearance of 3 metres from the ground to the bottom of the sign; a minimum setback of 1.5 metres from the southerly lot line; and, non-illuminated or illuminated by non-flashing, indirect, or interior means only;
  - (iv) That notwithstanding Section 10B(6) of By-law No. 6593:
    - 1. the existing front yard adjacent to Barnesdale Blvd. shall be maintained as landscaped space only except for access driveways; and,
    - 2. a minimum 1.5 metres landscape strip shall be provided and maintained adjacent to the southerly lot line except for access driveways;
  - (v) That a visual barrier not less than 1.2 metres and not greater than 2.0 metres in height shall be provided and maintained along the westerly property line.
  - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1262, and that the subject lands on Zoning District Map E-33 be notated S-1262;
  - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593 and Zoning District Map E-33 for presentation to City Council; and,
  - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
10. **Zoning Application 91-77, ABD Technology Inc., owner, for a modification to the "M-14" District regulations for property at No. 55 Lancing Drive; Rymal Neighbourhood**

Paul Mallard advised that as a result of additional information from the Building Department, it is necessary to amend the recommendation to require the conditions of Site Plan Control Application DA-89-02 to be met.

The Committee recommended to Council the recommendation of the Commissioner of Planning and Development in a report dated 1992 February 7, as amended as follows:

- A. That approval be given to Zoning Application 91-77, ABD Technology Inc., owner, requesting a modification to the established "M-14" (Prestige Industrial) District regulations, to permit an auto repair garage including autobody fender repair and painting within the existing building, for the property located at 55 Lancing Drive, as shown on the attached map marked as Appendix "D", on the following basis:
  - (a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 17F(1)(b) of Zoning By-Law No. 6593, the following Commercial Uses shall be permitted:

Commercial

Standard  
Industrial

| <u>Use</u> | <u>Classification Code</u> |
|------------|----------------------------|
|------------|----------------------------|

|                       |      |
|-----------------------|------|
| General Repair Garage | 6351 |
|-----------------------|------|

|                            |      |
|----------------------------|------|
| Paint and Body Repair Shop | 6352 |
|----------------------------|------|

- (b) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-1263, and that the subject lands on Zoning District Map E-59D be notated S-1263;
  - (c) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,
  - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until the shortfall in the required parking from forty-eight (48) to thirty-eight (38) spaces has been finalized through the "Cash-in-Lieu of Parking Policy" and the applicant has completed the required works in accordance with DA-89-02 to the satisfaction of the Building Commissioner.
11. **Zoning Application 91-84, Vittorio Ciardullo, owner, for a change in zoning from "B" to "C" for property at No. 66 Alderson Drive; Kennedy East Neighbourhood**
- As recommended by the Commissioner of Planning and Development in a report dated 1992 February 7, the Committee recommended to Council as follows:
- That approval be given to Zoning Application 91-84, Vittorio Ciardullo, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of a single-family dwelling lot, for property located at 66 Alderson Drive, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
  - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
  - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
12. **Zoning Application 91-52, Elio Borchetta, owner, for a modification to the "B-1" District regulations for property at No. 52 Heather Road; Corman Neighbourhood**

The Committee was in receipt of submissions from the following people:

Ray Hanson, 7 Janet Court, Hamilton, L8E 4X8 - opposed  
 Peter Enns, 306-494 Queenston Road, Hamilton, L8K 1J5 - opposed  
 P. Logan (no address) - opposed  
 Elio Borchetta (applicant) - petition in favour  
 Joan and Steve Cureton, 34 Heather Road, Hamilton, L8K 3V8 - opposed  
 Marilynn and Bruce Robbins, 102 Sunrise Drive, Hamilton, L8K 4C3 - opposed

P. Mallard explained that the application is for a modification to the residential district to permit a two family dwelling as a legal use and also to permit a barber shop as a legal use. Conditions to the barber shop use are a barber, chair and sink.



An order to comply for both of these uses has been issued to the applicant. He added that housing intensification is presently being urged. Of 395 notices sent, 17 replied in favour and 50 opposed.

Elio Borchetta, applicant, was present. He advised that the owner of the building in which he operates his barber shop will not be renewing his lease. As such, he would like to operate from his home.

He has four parking spaces, and there is parking on both sides of the road. He stated that he is paying additional tax for using his residential building as a two family dwelling.

Greg Fischhook of 43 Heather Road submitted a petition of 70 people opposed to the rezoning. He is not in favour of a business being conducted in a residential area. He submitted photos showing the parking congestion on the street. He also was of the opinion that the public notice on the property was not in view from the street.

Paul Mallard advised that a site inspection was conducted and the sign is in view of the street.

Anne Shumski, 75 Heather Court, Hamilton  
Allison McClelland, 46 Heather Court, Hamilton  
Harold Brooker, 1 Gailmont Drive, Hamilton  
Mr. Robbins, 102 Sunrise Drive, Hamilton  
Joan Cureton, 34 Heather Road, Hamilton

The above-noted people were also present in opposition to the application. Their concerns were as follows:

- parking congestion
- illegal two family use of building
- requests from other residences for home occupancy uses
- potential devaluation of a residential area
- concern over possible loss of tax revenue

Alderman Eisenberger was concerned that the illegal uses have existed prior to the order to comply being issued. Alderman Eisenberger stated that it is not wise to direct the traffic of customers from 39 1/2 Parkdale Avenue South to this residence.

Mr. Mallard advised that the two residential units meet all conversion requirements. The home occupation is not presently permitted; but it has been allowed in other areas.

Alderman Wilson was of the opinion that this type of proposal is not appropriate for this neighbourhood.

The following motion was placed on the floor and lost:

That Zoning Application No. 91-52, Elio Borchetta, owner, requesting a modification to the established "B-1" (Suburban Agriculture and Residential, etc.) District to permit the establishment of two family dwellings and a barber shop as a home occupation use for property located at No. 52 Heather Road as shown on the attached map marked as Appendix "F" be denied.

Subsequently, the following motion was introduced and was lost on a tie vote:

That Zoning Application No. 91-52, Elio Borchetta, owner, requesting a modification to the established "B-1" (Suburban Agriculture and Residential, etc.) District, to permit the established two-family dwelling and a barber shop as a home occupation use, for property located at 52 Heather Road, as shown on the attached map marked as Appendix "F", be not approved.

13. Amendment to the Official Plan and City Initiative 91-A for a general text amendment to the "M" District regulations of Zoning By-law No. 6593 for lands in the East Mountain Industrial-Business Park, No. 408 Cumberland Avenue and No. 417 Charlton Avenue East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 February 11.

A submission was received from CN Rail, 277 Front Street West, Toronto, M5V 2X7.

Joanne Hickey Evans gave a presentation of the Planning Department report. She gave a brief history of the M districts and offered the following 5 options:

Option 1 is to reduce the number of M Districts from 5 to 3 by combining the M-11 and 12, the M-13 and 14 and leaving the M-15 alone. The effect would be to have 1 commercial district and 2 industrial districts.

Option 2 is to expand the list of commercial uses in the M-12 District to include home furnishing uses and offices and to expand the list of industrial uses in the M-13 District to include building, developing, trade contracting industries and to add automotive uses to all districts with the exception of paint and auto body repair shops which would be limited to the M-14 and 15 districts.

Option 3 involves the removal of the standard industrial codes classification from the zoning by-law. The intent is to remove the numbers and use general terminology where practical to describe permitted uses.

Option 4 involves the addition of uses to various districts which have not been included before.

Option 5 is intended to delete the specific uses which are not considered appropriate for the Districts they are presently in.

The land use strategy recommended is the following:

- (a) Add the office, and home improvement related uses to the M-12. Add the contracting and trade industries to the M13 and add the automotive uses to the M13, M14, M15 Districts.
- (b) Remove the SIC codes and use the most general terminology to define permitted uses, where practical;
- (c) To add and delete certain uses which are deemed to be appropriate or inappropriate for each district.

As the proposed amendments do not comply with the industrial designation in the Official Plan and therefore, the addition of a new special policy area is required to permit limited commercial uses in the light industrial designation; to introduce a new schedule "B-3" for the Mountain Industrial Business Park to rename the industrial park to the East Mountain Industrial Business Park.

In addition to the general text amendment, there are a few small amendments required to the Zoning By-law. The first one deals with accessory office use. In 1980, when the M Districts were revamped, the size limit of 83.5 M<sup>2</sup> for the accessory dwelling unit was inadvertently amalgamated with the office use and therefore it restricted the size of the accessory office space as well. This restriction is intended to be removed.

The second amendment deals with the setbacks for signs in the park. The setback is proposed to be reduced from 12m to 6m for the M-11 and M-12 Districts and from 6m to 3m for the M13, 14 and M15 Districts. These setbacks are consistent with setbacks currently approved by the Committee of Adjustment. The reduction is

considered significant in this regard. The new requirement should be strictly adhered to and any request for further reductions should be denied.

The other amendments deal with inconsistent wording for yard setbacks amongst the various districts.

Frank Doracin of Paletta International Corporation was present to express comments on the amendments. He submitted a letter dated 1992 February 19 outlining the concerns.

Randy Guzar of 75 Unsworth Avenue and an owner of a building in one of the M Districts was present. His concerns were regarding signage locations and reduction from lot lines.

Mel Oswald of 260 Nebo Road was present with a proposal from doctors to locate a didactic centre for taxing purposes in one of the M Districts. He suggested that this be one of the uses considered.

Gerry and Denise Oltean of 42 Trinity Church Road suggested that the area to the north of the M District at Trinity Church Road and Highway 53 be left residential.

Pat DelSordo, a property owner on Nebo Road, questioned which uses will be permit now that the freeway is not being built.

Following discussion, the Committee resolved to table the report of the Commissioner of Planning and Development dated 1992 February 12 pending the holding of a public meeting.

14. **ADJOURNMENT**

There being no further business, the meeting then adjourned.

**Taken as read and approved,**

**ALDERMAN DON DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello  
Secretary  
1992 February 19**

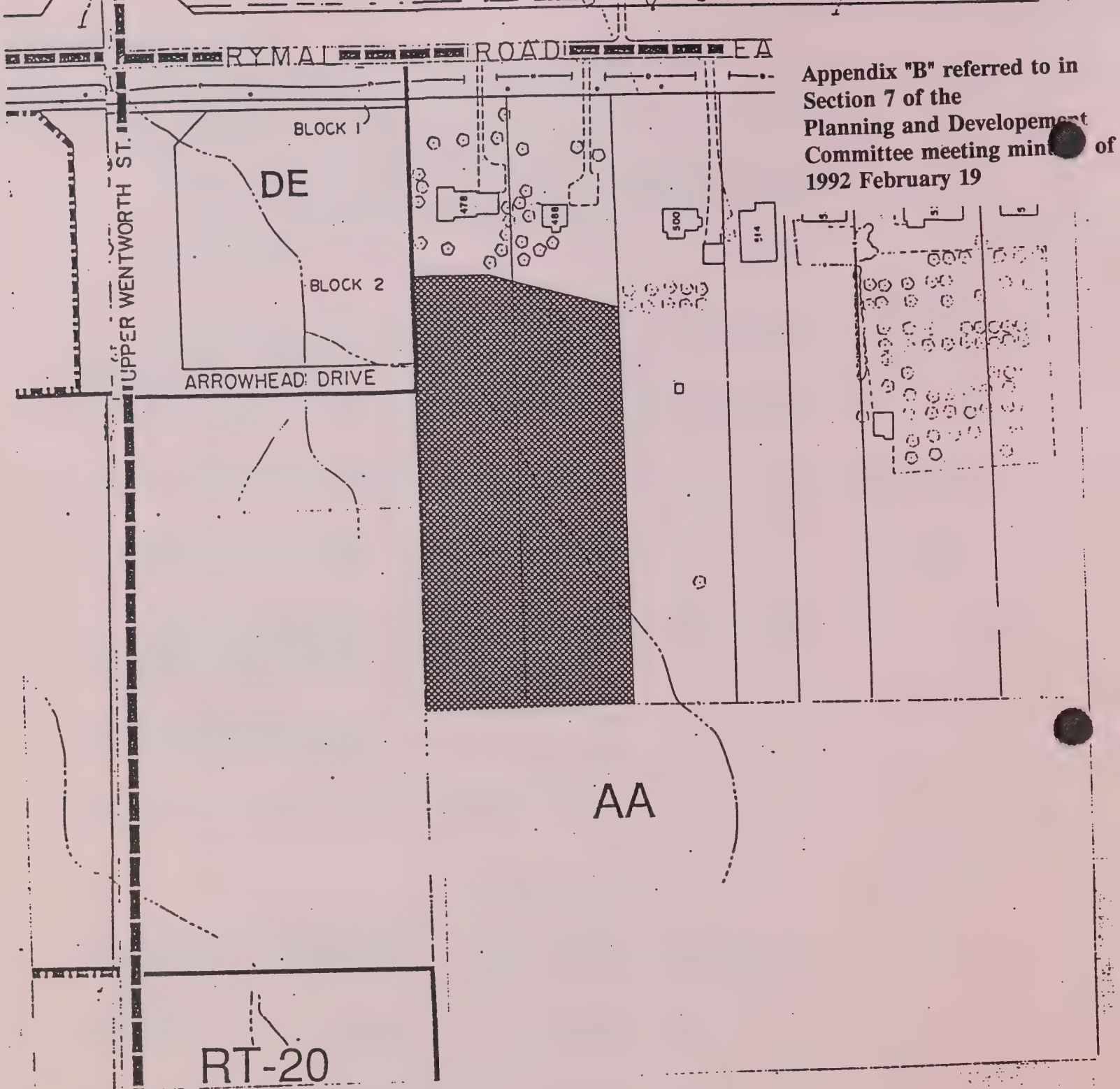


APPENDIX A

**TIMING OF REVISED WORK PLAN  
CITY OF HAMILTON  
IMPLEMENTATION OF PROVINCIAL POLICY STATEMENT  
LAND USE PLANNING FOR HOUSING**

| <b><u>Date</u></b> | <b><u>Relevant Actions</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 19        | The draft 1992 City of Hamilton Municipal Housing Statement Update forwarded to Planning and Development Committee; request for authorization to hold an information meeting on February 27.                                                                                                                                                                                                                                                                                                       |
| February 27        | Information Meeting on City's 1992 Municipal Housing Statement Update.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| April 8            | Public Meeting of the Planning and Development Committee to consider:<br><br><ol style="list-style-type: none"><li>1) Recommendations of Municipal Housing Statement Update, including Official Plan Amendment as per the requirements of Policy Statement <u>Land Use Planning for Housing</u>;</li><li>2) Report on potential streamlining features and enhancements to the planning process in Hamilton; and,</li><li>3) The 1991 Year-End Hamilton Housing Market Monitoring Report.</li></ol> |
| April 14           | City Council to consider:<br><br><ol style="list-style-type: none"><li>1) Recommendations of Municipal Housing Statement Update, including Official Plan Amendment as per the requirements of Policy Statement <u>Land Use Planning for Housing</u>;</li><li>2) Report on potential streamlining features and enhancements to the planning process in Hamilton; and,</li><li>3) The 1991 Year-End Hamilton Housing Market Monitoring Report.</li></ol>                                             |
| April 28           | By-law of adoption for the Official Plan amendment arising from the Municipal Housing Statement Update before City Council.                                                                                                                                                                                                                                                                                                                                                                        |





Appendix "B" referred to in  
Section 7 of the  
Planning and Development  
Committee meeting minutes of  
1992 February 19

Legend



Change in zoning from "AA" (Agricultural) District to  
"C" (Urban Protected Residential, etc.) District.

Appendix "C" referred to in  
Section 9 of the  
Planning and Development  
Committee meeting minutes of  
1992 February 19



# LEGEND

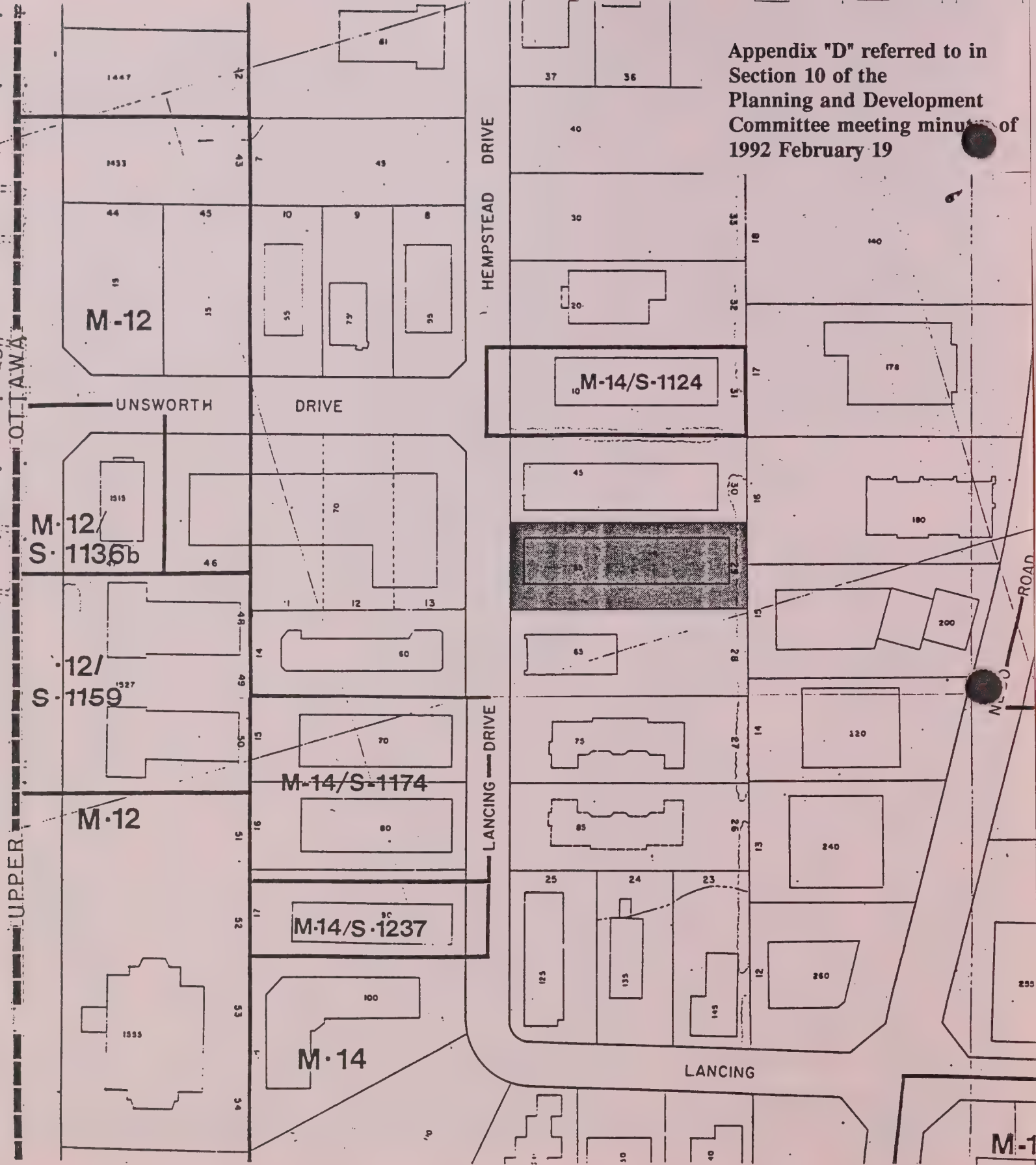


SITE OF APPLICATION

3A 91-74



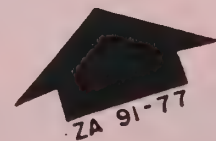
Appendix "D" referred to in  
Section 10 of the  
Planning and Development  
Committee meeting minutes of  
1992 February 19



Legend



Site of the Application



Appendix E related to the  
Section 11 of the  
Planning and Development  
Committee meeting minutes of  
1992 February 19

MALTON DRIVE

CHRISTIE STREET

NELSON DRIVE

CHRISTOPHER DRIVE

B

C

B/S-1243

Legend

Site of the Application

N 91-84

Appendix E related to the  
Section 11 of the  
Planning and Development  
Committee meeting minutes of  
1992 February 19

MALTON DRIVE

CHRISTIE STREET

ALDERSON DRIVE

CHRISTOPHER DRIVE

**B**

**C**

**B/S-1243**

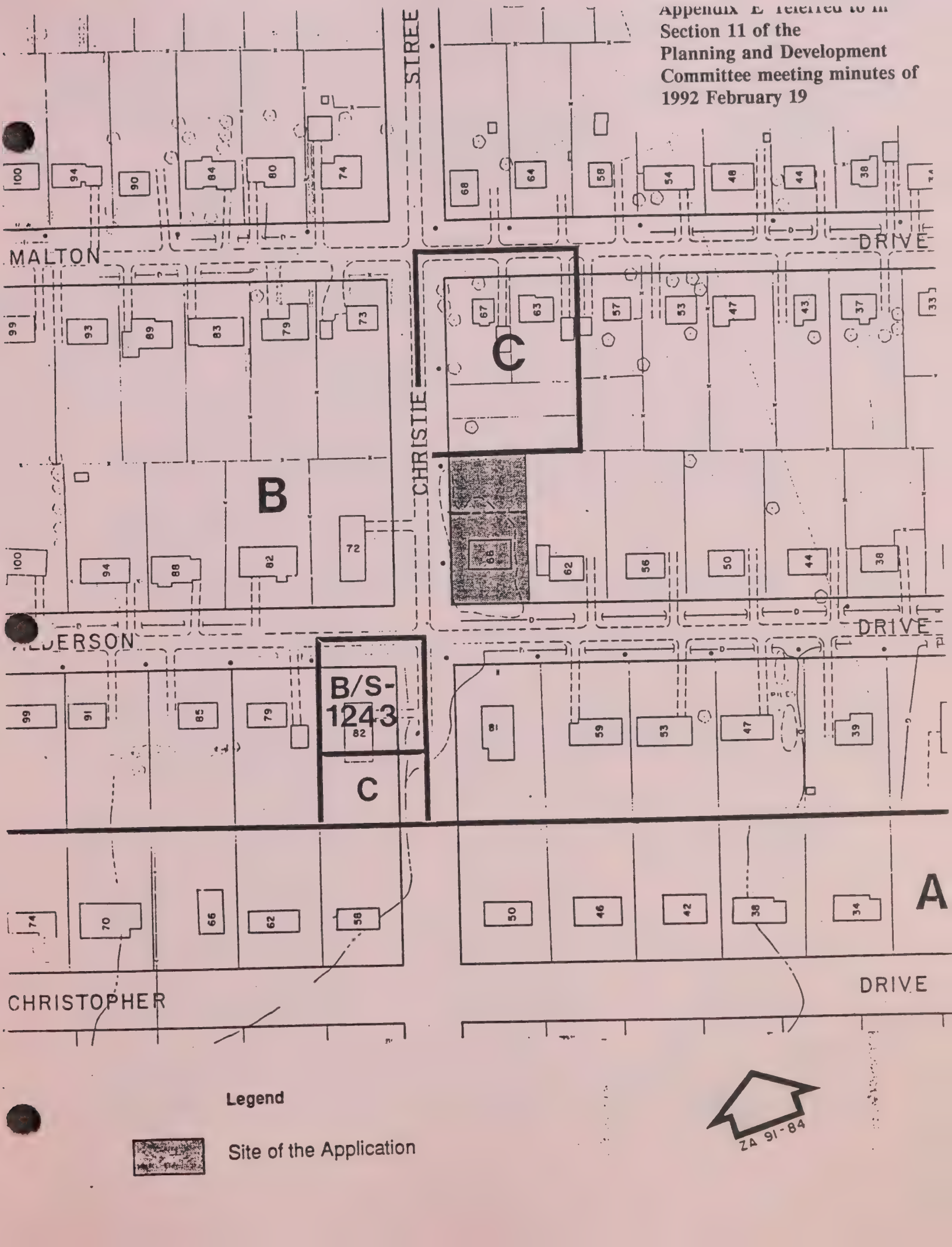
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**A**

Legend

Site of the Application

ZA 91-84

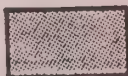




Appendix "F" referred to in  
Section 12 of the  
Planning and Development  
Committee meeting minutes of  
1992 February 19



Legend



Site of the Application



B.

## **CITY OF HAMILTON**

### **- RECOMMENDATION -**

**DATE:** 1992 February 28

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Betty Carter, Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** ALTERATIONS TO DESIGNATED HOUSE AT 105  
ABERDEEN AVENUE

#### **RECOMMENDATION:**

That approval be given to the following alterations to the designated facades of 105 Aberdeen Avenue, pursuant to the provisions of the Ontario Heritage Act, 1983:

- (a) Addition of deck and stairway to the east facade, extending from north facade of east rear wing (family room) to front (north) facade; constructed of wood with iron railing;
- (b) Insertion of two sets of French doors opening onto the new deck: one on the east facade (involving the removal of one existing sash window) and one on the north facade of east rear wing (presently a blank wall).



#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

Council approval is required for the above noted proposed changes to the designated property at 105 Aberdeen Avenue in accordance with the provisions of the Ontario Heritage Act, 1983. Copies of drawings detailing alterations are available from the Secretary of LACAC.



**CITY OF HAMILTON**

C.

**- RECOMMENDATION -**

FEB 25 1992

**DATE:** 1992 February 24

**REPORT TO:** Miss Charlene J. Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
420 Wilson Street - Tag Number 85837

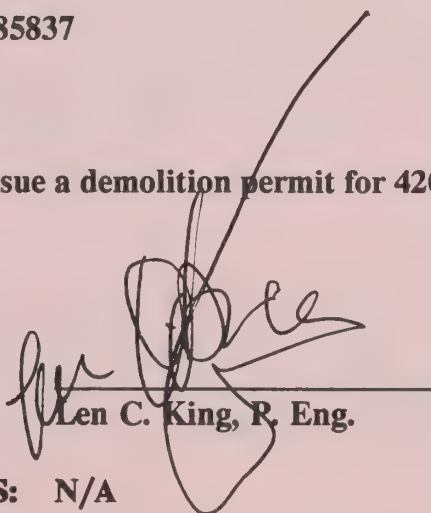
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FEB 25 1992

CITY CLERKS

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 420 Wilson Street.



Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** One and a half (1½) storey wood frame dwelling in poor condition.  
Building is uneconomically feasible to repair to standard.

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 35.50' x 80.00'

The owner of the property as per the demolition permit application is:

Kiepurath Haridas  
428 Wilson Street  
Hamilton, Ontario L8L 1T2  
Telephone Number: (416) 523-1559

c.c. 92.2.4.2.1.A





D.

**CITY OF HAMILTON**

FEB 24 1992

**- RECOMMENDATION -**

**DATE:** 1992 February 19


**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Acting Director of Public Works

**SUBJECT:** Central/Beasley Programme for Renewal, Improvement,  
Development and Economic Revitalization - Light Fixtures  
at Lockwood Motors Limited.

**RECOMMENDATION:**

- a) That, under the Central/Beasley PRIDE Programme, lights be installed on the south side of Lockwood Motors Limited building located at 69 Kelly Street adjacent to Beasley Park, at an estimated cost of \$1,300. to improve lighting levels in the Park; and,
- b) That the Mayor and City Clerk be authorized to execute an agreement to attach and maintain the lighting fixtures to the private property; and,
- c) That the City Solicitor be authorized to register the lighting agreement on title.

  
\_\_\_\_\_  
Mr. D. Lobo  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Sufficient monies are within the Central/Beasley PRIDE Programme Account Number CF 5255 429002003.

**BACKGROUND:**

Under the Central/Beasley PRIDE Programme, the redevelopment of Beasley Park (bounded on the east by Ferguson Avenue North, west by Mary Street, north by Cannon Street East and south by Wilson Street) will commence this year.

Generally, improvements to the Park include burying of overhead wires, landscaping, tree planting and decorative lighting. To increase security in the area secondary lighting is proposed, locations for which have been identified including the Lockwood Motors building located at the easterly entranceway to the Park. City staff have met with Mr. R. Lockwood, the owner of the subject building and he is in support of the installation of lighting and agrees to enter into a legal agreement upon receiving the necessary approvals.



c.c. Patrice Noe Johnson  
City Solicitor  
Att: Lorne Farr  
Assistant Solicitor

E a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 25  
P5-4-45

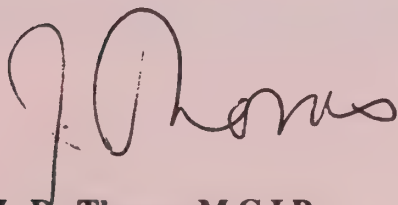
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

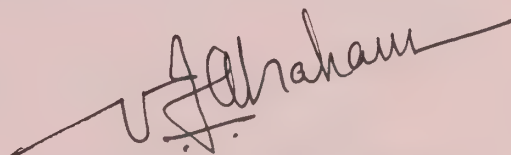
**SUBJECT:** Residential Enclaves Study

**RECOMMENDATION:**

That the Planning and Development Committee give authorization to hold a public meeting to consider the land use and acquisition options for the residential enclaves (north of the CN railway tracks, from Victoria Avenue North to west of Kenilworth Avenue North) as contained in the attached Appendix.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**Victor J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

City Council at their meeting of December 12, 1989 endorsed the following resolution:

- " (a) That the enclaves acquisition program for Alpha East (east of Sherman), Leeds, Biggar, and Stapleton be put on hold and that the remaining properties in the Alpha West (west of Sherman) be acquired under the current acquisition program.



- (b) That the costs of acquisition and sale price of industrial land be monitored and a re-evaluation of the program be carried out in 1990 in conjunction with the Business Land Use Advisory Board.
- (c) That a budget proposal be forwarded to the Co-ordinating Committee for consideration for inclusion in the 4th and 5th year of the 1990-1994 City of Hamilton capital budget."

In February 1990, the Business Land Use Advisory Board requested the Planning and Development Committee to undertake a study to review all the enclaves to determine their long term land use and acquisition strategy. The Planning and Development Committee subsequently directed staff to undertake a comprehensive study to address this matter.

This study is nearing completion and three land use strategy options have been developed and four options have been developed with respect to the acquisition program established in 1980 to purchase residential properties in the enclaves.

For the purposes of this study, the following residential enclaves were reviewed:

- Alpha East (east of Sherman Avenue North);
- Beatty;
- Biggar;
- Land;
- Leeds;
- Rowanwood; and,
- Stapleton (see map attached).

These were part of the original residential enclaves identified as part of Official Plan Amendment No. 260, with the exception of McAnulty and the Keith/Monroe areas which were subsequently redesignated "Residential" to recognize the long term land use.

The current study examines the following matters:

- planning history;
- history of the acquisition program;
- land use, including past and existing land use, ownership, age of buildings and property conditions;
- hard and soft services including sewers and water, roads, public transit, parks and recreation, police and fire protection;
- environmental conditions including air quality and contaminated soils;
- existing planning controls including Official Plan, Neighbourhood Plan, Zoning and Site Plan Control;
- survey of the households within the enclaves and adjacent industries; and,
- demographic profile of the population.

The purpose of a public meeting is to review three land use and four acquisition options, as contained in the attached Appendix, and receive the public's comments on them. It will also provide an opportunity to answer any questions on the study and/or the options. No "preferred" option is being identified at this time.

***CONCLUSION:***

The study of the residential enclaves is now at a point where input from the public is critical in order that a preferred option for both land use and acquisition can be identified. It is therefore appropriate for a public meeting be held.

CF/dkp

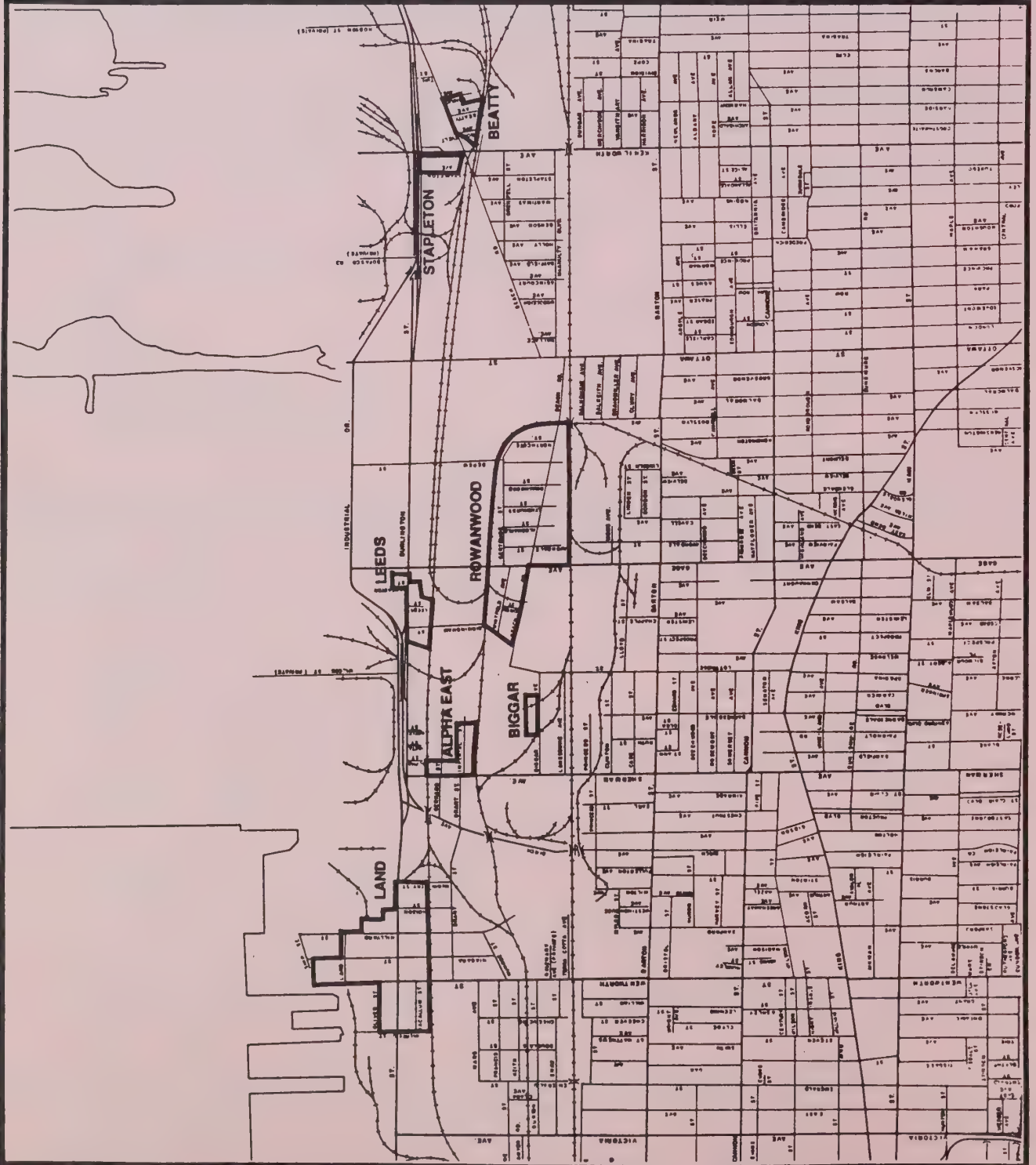
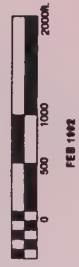
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# LOCATION MAP



Enclave Study Areas

## RESIDENTIAL ENCLAVES STUDY



HIGHLIGHTS - RESIDENTIAL ENCLAVES STUDY

**Brief Prospective on the History of Planning  
and Acquisition Program for the Residential Enclaves**

The first comprehensive review of the residential enclaves was undertaken in 1969 and included all the residential areas north of Barton Street between Wellington Street North and the Red Hill Creek. This review resulted in Official Plan Amendment No. 260 (approved on October 29, 1970). Amongst other things, this amendment:

- established priorities for the conversion of residential lands to industrial uses with the following priorities: first - Alpha, Leeds, Biggar, and Stapleton; second - Land; and, third - Rowanwood and Beatty; and,
- established policies for the acquisition of housing by the City as it became available, in areas designated "Industrial" in the Official Plan.

In 1977, another major review was undertaken including Alpha, Beatty, Biggar, Keith, Land, Leeds, McAnulty, Monroe, Rowanwood and Stapleton. This study concluded in part, that:

- McAnulty should be preserved for residential uses and that the Official Plan be so amended;
- Neighbourhood Plans be prepared for Keith and Munroe on the basis of a residential and industrial mix;
- a clearance program be initiated for Biggar, Stapleton, Alpha, Leeds and the Keith pockets with expropriation policies for acquiring Biggar and Stapleton for industry immediately; and,
- Rowanwood, Land and Beatty be reviewed in two years.

With respect to these recommendations, the following has occurred:

- Official Plan Amendment No. 338 (approved June 7, 1978) redesignated lands in the McAnulty area from "Industrial" to "Commercial" and "Residential";
- the Keith/Munroe Neighbourhood Plan was completed and recognition of this area for residential uses came with the approval of the City's new Official Plan on June 1, 1982; and,
- in October 1981, City Council authorized the acquisition of sixty properties in the northeast section of the Alpha enclave. By July 1983, this had been completed. The 1987 to 1991 Capital Budget included funding for the acquisition of properties in Alpha West, Biggar, Leeds and Stapleton. To date, the City's acquisition of Alpha West has been all but completed.



Historically, residential land has had a higher value than industrial land. It was recognized from the onset of the acquisition program that, from an economic viewpoint, it would not be profitable or even a break-even situation. Statistics calculated in 1980 to implement the acquisition recommendations from the 1977 study, indicate that the revenue realized from the sale of lands for industrial purposes was approximately one third the cost of its purchase as residential land. Notwithstanding, a strong case was made for the social benefits of the "clearance program" such as improving the quality of life for the residents; removing incompatible land uses; and, recognizing that residents wish to leave, amongst others.

By 1989, the difference between buying land for residential uses and selling for industrial purposes, meant the City was realizing only approximately 20 cents on the dollar. This factor contributed heavily towards Council's decision to put this program on hold for the present time, and to have the acquisition program re-evaluated.

### Existing Planning Controls

#### OFFICIAL PLAN

All the enclaves, except for the northwest corner of Land, are designated "Industrial" on Schedule A - Land Use Concept of the Official Plan. The primary uses permitted within the "Industrial" designation are for industry including manufacturing, processing, warehousing, repair and servicing.

The north west corner of Land is designated "Utilities" which permits uses including shipping terminals, marine freight, passenger handling facilities related storage, vessel and barge docks and marine related industry associated with the Hamilton Harbour Commissioners Piers 13 and 14. Further, most of the "Industrial" areas in Land are within "Special Policy Area 11" on Schedule B - Special Policy Areas. Special Policy Area 11 permits "Light Industrial Uses" which are defined as those industrial uses having a minimal impact on surrounding uses.

Alpha East, Biggar, Beatty and Leeds are completely surrounded by lands designated "Industrial". "Industrial" designated lands to the south of Beatty are within "Special Policy Area 11" (Light Industrial).

Land is surrounded by "Industrial" lands except for the area to the north-west which is designated "Utilities". The "Industrial" lands surrounding Land are within "Special Policy Area 11" (Light Industrial). The Keith Neighbourhood, is located in close proximity to the Land enclave, to the south across the rail right-of way.

Rowanwood is surrounded by "Industrial" lands, except for a "Residential" area located to the south-east (south of the railway tracks) in Crown Point West Neighbourhood. "Industrial" designated lands to the south are within "Special Policy Area 11" (Light Industrial).

Stapleton is surrounded by "Industrial" designated lands with the exception of lands along Beach Road, to the south, designated "Commercial". To the south of this commercial strip are "Residential" lands within the McAnulty Neighbourhood.

#### NEIGHBOURHOOD PLANS

There are no Neighbourhood Plans for any of the enclave areas.

## ZONING

The Alpha East, Biggar, Leeds and Stapleton Enclaves are zoned "K" (Heavy Industrial) District. The Beatty, Land and Rowanwood Enclaves are zoned "K" (Heavy Industrial), modified. The "K" zoning District is the heaviest industrial District in the City and permits the widest range of industrial uses.

The "K" (Heavy Industrial) District zoning applicable to the Beatty, Land and Rowanwood Enclaves was modified to allow for the existing dwellings:

- alterations and extensions in accordance with the "D" (One and Two-Family Dwellings, Townhouses, etc.) District; and,
- 0.6 m side yards as opposed to 1.2 m side required in a "D" District.

The Alpha East, Beatty, Biggar, Land, Rowanwood and Stapleton enclaves are completely surrounded by lands zoned "K" (Heavy Industrial) District.

Leeds is surrounded by lands zoned "K" (Heavy Industrial) District, except for one property to the east, which is zoned "K" modified, to prohibit a restaurant use.

## SITE PLAN CONTROL

The "K" (Heavy Industrial) Districts are not under Site Plan Control, as such Site Plan Control does not apply to the enclaves.

## Options

Three "land use" and four "acquisition" options have been developed as part of this study. These options have been circulated to various departments and agencies for comments. In the absence of receiving all the responses (of particular note, is the Ministry of Environment whose input with respect to air quality and contaminated soils is important) and not having the benefit of public input, a preferred option has not been identified at this time. Once all these comments have been received and reviewed, preferred options for both land use and acquisition will then be identified.

## LAND USE

### Option 1      **No change**

All lands to remain designated "Industrial" in the Official Plan and zoned "K" (Heavy Industry).

- Benefits      1) encourage co-existence of incompatible land uses (low density residential/heavy industrial);  
                         2) the Official Plan recognizes the future of Bayfront area for industry in the long term;

- 3) Alpha East, Beatty, Biggar, Leeds, and Stapleton are too small to be viable residential areas. All the enclaves except Biggar have industrial uses interspersed with residential uses;
  - 4) the physical linkages to other residential areas and amenities are weak; and,
  - 5) except for Biggar and Leeds, the majority of residents from the smaller enclaves residents expressed a desire to move from the area.
- Potential Problems
    - 1) potentially viable residential areas will not be recognized; and,
    - 2) areas of affordable and rental housing will be lost.

## Option 2      **Recognize residential areas within Land and Rowanwood**

Maintain "Industrial" designation in Official Plan and "K" zoning in Alpha East, Biggar, Leeds, Beatty and Stapleton. Through the Neighbourhood Planning process, identify potentially viable residential areas within Land and Rowanwood.

This option can be implemented in two ways:

- a) designate appropriate areas "Residential" in the Official Plan and rezone to "D" (Urban Protected Residential - One and Two Family Dwellings) modified\*; or,
  - b) maintain "Industrial" designation in the Official Plan but place in Special Policy Area to recognize existing residential uses and maintain existing "K" (Heavy Industry) zoning with added special provisions.\*
- Benefits
    - 1) recognizes potentially viable residential neighbourhoods;
    - 2) protects affordable housing stock;
    - 3) buffering opportunities exist between residential and heavy industrial
    - 4) except for Biggar and Leeds, the residents of the smaller enclaves wished to leave
  - Potential Problems
    - 1) encourages the co-existence of incompatible uses
    - 2) ignores the rights of the existing legal industry who located in good faith on lands planned and zoned for industry
    - 3) inefficient use of hard and soft services (ie. parks) because of isolated nature of enclaves



- 4) depletes the supply of "K" zoned lands
- 5) ignores health risks associated with close proximity of residential and heavy industrial uses

\* To permit reduced yards, etc. as may be required for existing dwellings.

**Option 3      Recognize residential uses in all enclaves.**

Amend the Official Plan and Zoning By-law to recognize existing residential uses. This option can be implemented by:

- a) as 2 (a) above
- b) as 2 (b) above
- Benefits
  - 1) protects affordable housing stock including rental
  - 2) protects potentially viable neighbourhoods
- Potential Problems
  - 1) against sound planning principles by reinforcing the co-existence of incompatible uses
  - 2) ignores the rights of the existing legal industry who located in good faith on lands planned and zoned for industry
  - 3) except for Biggar and Leeds, all the smaller enclave residents wished to leave
  - 4) inefficient use of hard and soft services (ie. parks) because of the isolated nature
  - 5) depletes the supply of "K" zoned lands
  - 6) ignores health risks associated with close proximity of residential and heavy industrial uses

**ACQUISITION**

**Option 1      Continue with current program**

Continue current acquisition program for Alpha East, Biggar, Leeds, and Stapleton. Include Beatty as it was not part of the original program. Two alternative approaches are:

- a) with expropriation; or,
- b) without expropriation

Re-evaluate the program in 1995. Consider acquisition in Land and Rowanwood at that time.



**Option 2      Abandon the program entirely**

The City will allocate no further funding to this program. The current Capital Budget provisions will be deleted.

**Option 3      Combination approach**

Develop a hybrid approach which would include a combination of initiatives such as:

- pursuing options available at other levels of government (funding programs, joint ventures, stewardship opportunities);
- funnelling back money used for the sale of the Alpha West and using it to purchase properties on a willing seller/willing buyer basis; and,
- setting aside money in the Capital Budget to purchase properties.

**Option 4      Willing seller willing buyer in all the enclaves.**

Maintain an allocation in the Capital Budget to purchase properties on a willing seller/willing buyer basis.

B:\RES-ENCL.ACQ

E b)

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 February 25  
(P5-9-7)


**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

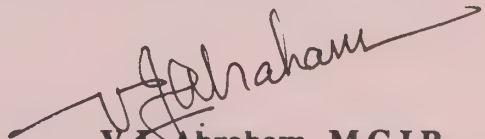
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City of Hamilton Response - Recommended Actions for  
the Preferred Growth Concept (Growth Strategy Study) for  
the Town of Flamborough

#### RECOMMENDATIONS:

- A. That the Planning and Development Committee advise City Council that the Town of Flamborough's "Recommended Actions for the Preferred Growth Concept (Growth Strategy Study)" does not have an effect on the planning intentions of the City of Hamilton; and,
- B. That the City Clerk advise the Town of Flamborough of City Council's decision.

  
J.D. Thoms, M.C.I.P.,  
Commissioner  
Planning and Development Department

  
V.J. Abraham, M.C.I.P.,  
Director of Local Planning

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

#### BACKGROUND:

The Town of Flamborough has requested the City of Hamilton to provide comments on the "Recommended Actions for the Preferred Growth Concept".

The Growth Concept was developed in response to the Town's need to designate additional lands for future development, for the period between 1991 and 2011. The lands currently designated for the development in Flamborough's Official Plan are committed for development through plans of subdivision. In addition, a number of Provincial (i.e. Land Use Planning for Housing Policy Statement) and municipal initiatives (Regional Chairman's Task Forces on Affordable Housing and Sustainable Development, South Flamborough transportation Study, Recreation Master Plan, etc.) have occurred that affect the future planning intentions of the Town.

The aim of the "Preferred Growth Concept" is to establish a balance between the need to accommodate future growth in the Town's urban area, rural settlement areas (i.e. Carlisle, Beverly Hills), and the rural areas; and the need to protect the environment and the municipality's fiscal capabilities to sustain growth.

The study identified four potential growth strategies. Each growth strategy proposed a different percentage of growth allocated to the three areas (urban, rural settlement, and rural). The preferred strategy would be to accommodate 80% of the future development in Waterdown and 10% in each of the other two areas. The corresponding dwelling unit distribution (all types of housing) would result in 3,757 additional units for Waterdown, 470 units for the Rural settlement areas and 470 units for the Rural area between 1991 and 2011. This strategy will allow for the efficient use of services, minimize the impacts on the environment, allow for the provision of affordable housing in the Urban area but at the same time recognizing that people may wish to live in a more rural setting. The study also provides for additional studies to be carried out to review the existing Settlement Capability Studies, prepare storm drainage plans for the expansions and for the Region and the Niagara Escarpment Commission to amend their Plans to allow for the future expansions.

Overall, the strategy allows the municipality to provide a direction for future growth in a comprehensive manner.

#### ***EFFECT ON THE CITY OF HAMILTON:***

As noted, the "Preferred Growth Concept" provides the basis for future development in the Urban, Rural Settlement and Rural areas. In addition, it will allow for the creation of affordable housing opportunities, particularly in the Urban area where services are most readily available. The City of Hamilton supports the efforts of area municipalities to provide for affordable housing in their communities.

The future growth pattern of Flamborough will not affect the planning intentions of the City of Hamilton. However, it should be noted that Flamborough will be providing residents of the Region with an opportunity to live in an 'urban' environment other than Hamilton. Flamborough is the only municipality in the Region that is not contiguous to the City of Hamilton boundaries.

**CONCLUSION:**

Based on the above, the Planning and Development Committee recommend to City Council that:

- 1) The Town of Flamborough's "Recommended Actions for the Preferred Growth Concept (Growth Strategy Study)" does not have an effect on the planning intentions of the City of Hamilton; and,
- 2) The City Clerk advise the Town of Flamborough of City Council's decision.

JHE





E c)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 February 21

**REPORT TO:** Tina Agnello  
Secretary of the Planning and Development Committee

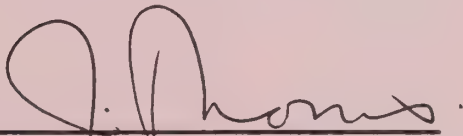
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

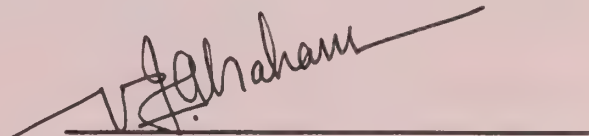
Proposal to remove part-lot control from Lot 5, Registered Plan 62M-653.

**RECOMMENDATION:**

- (1) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lot 5, Registered Plan 62M-653, located on the south side of Silverton Drive, west of Upper Ottawa Street, in the Templemead Neighbourhood, City of Hamilton, for presentation to Council.
- (2) That the Regional Municipality of Hamilton-Wentworth be requested to approve the by-law once passed by City Council.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning & Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director**  
**Local Planning Branch**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Owner: 712176 Ontario Limited, c/o G. Di Cienzo, Hannon, Ontario

Surveyor: Edward Barich, O.L.S., Hamilton, Ontario

Location:

The lot is located on the south side of Silverton Drive, west of Upper Ottawa Street, in the Templemead Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to re-divide the lot into 6 parts with one part being retained as a building lot (120.038m X 33.00m) and the other five parts being added to the existing abutting lots in the registered plan.

A draft reference plan has been submitted (see attachment) which indicates the manner in which the lot will be re-divided; the resulting building lot will comply with the zoning by-laws.

History:

The plan of subdivision which created the lot was draft approved in February, 1988, and registered in March, 1990. At the time of consideration of the subdivision, there was a frame house on the property which the owner intended to retain and which obtained its access from Upper Ottawa Street. With the establishment of Silverton Drive by By-law and Registration of the plan of subdivision, the new access to the house would be to Silverton Drive. Due to the location of the house on the property, the odd shaped lot was created to ensure that all by-law set back requirements were maintained.

The owner now intends to remove the house from the property, and rather than retain the oversized odd-shaped lot for a new house, the intent is to square off the abutting Lot 4, which fronts onto Silverton Drive, and to add the rear parts to the registered lots fronting into Templemead Drive and Upper Ottawa Street.

**COMMENTS FROM CIRCULATION:**

The following have no objection to the proposal or other requirements:

- City Building Department
- Regional Roads Department
- Local Planning - Neighbourhood Section

**CONCLUSION:**

The transaction of the land parts as proposed will create a more regular lotting pattern within the surrounding subdivision and therefore can be supported.

/l

Attach.

Reports.Cit/Dir

62M-653

DO NOT REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE \_\_\_\_\_

LAND REGISTRAR FOR THE REGISTRY  
DIVISION OF WENTWORTH (82)

## MOORE BLUES

THIS PLAN COMPRISES ALL OF PARCEL

## SILVERION DRIVE

ESTABLISHED BY BY-LAW 87-238 REGISTERED AS INST 431118 CD

### CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

## METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN OF SURVEY OF  
LOT 5, SILVERTON AVENUE SUBDIVISION  
REGISTERED PLAN 62M-653

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:500



**BEARING NOTE**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF  
HILVERTON AVENUE AS SHOWN ON REGISTERED PLAN 62-M-653 HAVING A  
BEARING OF N 72° 32' 40" W

### LEGEND

- SURVEY MONUMENT FOUND
  - SURVEY MONUMENT PLANTED
  - IRON BAR
  - STANDARD IRON BAR
- "1243" • EDWARD BARICH O.L.S.  
 PHEN • REGISTERED PLAN 62M-653

# SURVEYOR'S CERTIFICATE

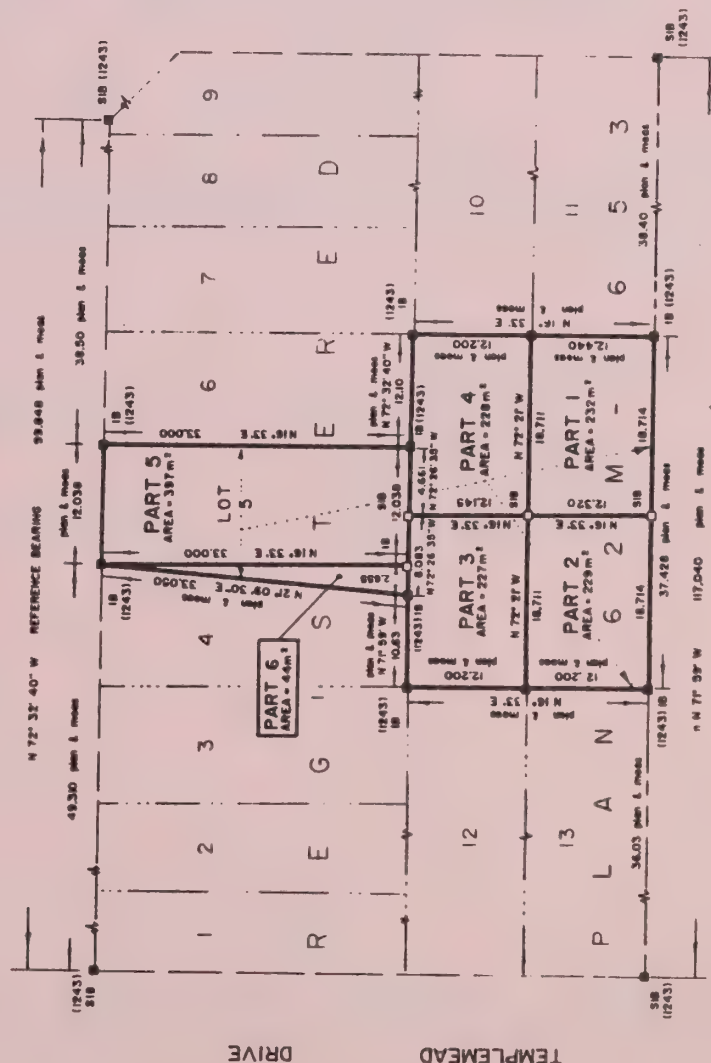
**CERTIFY THAT**

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS  
ACT AND THE REGULATIONS MADE
- THE SURVEY WAS COMPLETED ON THE DAY OF JANUARY 1992

ATE

EDWARD BARICH OLS

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ONTARIO LAND SURVEYOR







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**CITY OF HAMILTON**  
**- RECOMMENDATION -**

FEB 25 1992

**DATE:** 1992 February 13

**REPORT TO:** Tina Agnello  
Secretary of the Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

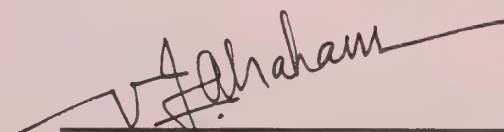
Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

**RECOMMENDATION:**

That the Region be requested to grant a one-year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning & Development Department



V. J. Abraham, M.C.I.P.  
Director  
Regional Planning Branch

**BACKGROUND:**

Owner:

S. Wise Construction Limited.

History:

"Wisemount Forest Survey" - Lisgar Neighbourhood:

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) and one block for townhouses (approximately 90 units).

Stage 1 registered in May 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Phase 4 registered in July, 1988, for 13 lots for single-family dwellings. Phase 5 registered in October, 1989, for 10 lots for single-family dwellings. Extended in 1986, 1987, 1988, 1989, 1990 and 1991.

Present lapsing date is February 14, 1992. (Interim extension granted to May 14, 1992 to allow consideration of this request by the City.)

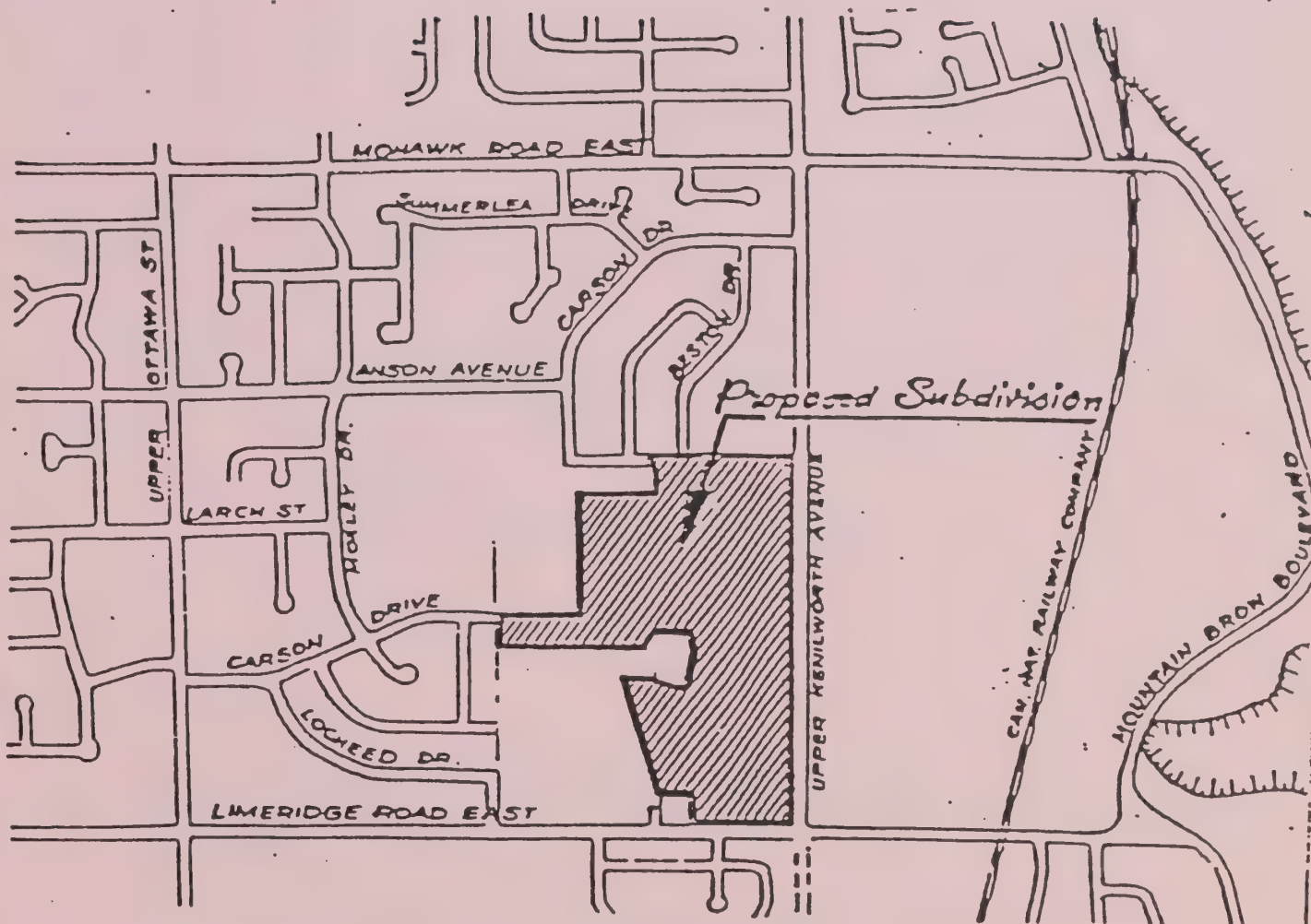
Requesting a further extension for an unspecified period on the basis that the owner will be registering the next phase in the near future.

#### CONCLUSIONS:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension should be supported on the basis of the usual extension of one year.

/ll  
Reports.City/Dir  
25T83004



Location Plan For  
**WISEMOUNT FOREST  
 SURVEY-PHASE 3**

Regional Municipality of Hamilton-Wentworth  
 Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1:12,000

Date

83-03-03

Reference File No.

25T-83004

Drawing No.

83-H-25







**CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**  
a Subcommittee of the Planning and Development Committee  
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

E(e)

**DATE:** 1992 February 26  
P5-4-3-9

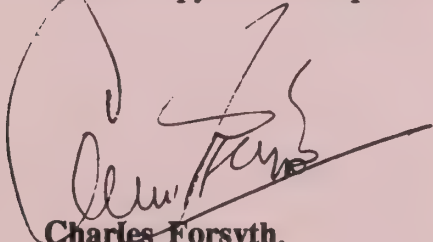
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charles Forsyth  
Chairperson  
Central Area Plan Implementation Committee

**SUBJECT:** Wentworth County Courthouse

**RECOMMENDATIONS:**

1. That the Region be requested to consider the use of the Wentworth County Courthouse as a Regional Headquarters when the Provincial Courts move to the former Main Street Post Office;
2. That a copy of this report be forwarded to the Region.



Charles Forsyth,  
Chairperson

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



**BACKGROUND:**

At its meeting of February 14, 1992, the members of CAPIC discussed the recent tender call for office space for the Public Health Department. The tender call is for approximately 50,000 square feet of space within the core area of the City of Hamilton.

It was noted that the Region owns the Wentworth County Courthouse. The Courthouse may be the appropriate location for the requested office space. This area of Main Street East has potential for positive redevelopment through such initiatives as the adaptive re-use of the Post Office; the proposed DeSantis development at the south-west corner of Main Street East and Hughson Street; and the institution of GO train service at the TH&B Station. The combination of initiatives would help implement the policies of the Central Area Plan which encourage development east of James Street.

However, it was noted that the Region could take possession of the Courthouse when the Provincial Courts are moved to their new premises for Regional offices. The members were also informed that the timing of the possession by the Region of the Courthouse is, therefore, contingent upon the completion of the new premises for the Provincial Court.

**CONCLUSION:**

Given the comments of the members of CAPIC, this report should be forwarded to the Region for consideration.





2.1

FEB 26 1992

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1992 February 25

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** L.C. King, P. Eng.,  
Building Commissioner  
Building Department

**RECEIVED**

FEB 26 1992

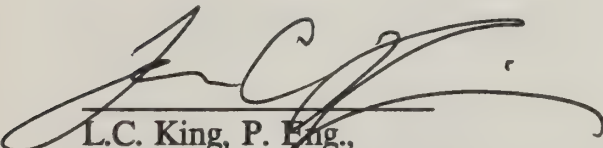
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CITY CLERKS

**SUBJECT: COMMITTEE OF ADJUSTMENT FEES - 1992  
(92.2.4.2.1.A and 92.2.4.3.2)**

**RECOMMENDATION:**

That effective March 30, 1992 By-Law No. 87-350 prescribing fees in relation to administrative costs be appropriately amended to establish a stepped schedule of fees in relation to types of applications made to the Committee of Adjustment as follows: -

|                                                                  | 1991<br>Current Fee | 1992<br>Recommended Fee |
|------------------------------------------------------------------|---------------------|-------------------------|
| Variances or Permission<br>ancillary to 1 and 2 family unit uses | \$250.00            | \$190.00                |
| Variances or Permission<br>(all other)                           | \$250.00            | \$500.00                |

  
L.C. King, P. Eng.,  
Building Commissioner  
PF/LCK/ggf

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The new schedule of fees should result in a 30% increase over 1991 revenue based on a historic mix of residential, commercial and industrial applications.

**BACKGROUND:**

Some relevant statistics are attached as well as a schedule showing the net effect of revenue versus operating costs for various fee possibilities. It is to be noted that some other municipalities have set fees to more appropriately relate to the resources of an applicant as well as the complexity of the application.

The stepping of fees should result in a more equitable distribution of fees with improved cost recovery without further accelerating a downward trend in the number of applications being received. The existing \$250.00 fee was set in 1987. It should also be noted that the operating cost figure used does not include operating costs such as some support services provided directly by the Building Department as well as indirectly by all City and Regional departments providing comments to the Committee of Adjustment.

For the information of the Committee, Regional fees are \$700.00 for Land Division Committee and \$830.00 for a Zoning By-law or Official Plan Amendment.

**A D D E N D U M**  
**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**  
**DATED FEBRUARY 25, 1992**

**STATISTICS FOR CITY OF HAMILTON COMMITTEE OF ADJUSTMENT 1990, 1991**

|                                     | <b>1990</b> | <b>1991</b> |
|-------------------------------------|-------------|-------------|
| Total number of applications -      | 374         | 298         |
| Total residential, 1 and 2 family - | 211         | 170         |
| Total other -                       | 163         | 128         |

**CITY OF HAMILTON COMMITTEE OF ADJUSTMENT REVENUES 1990, 1991**

|        |              |
|--------|--------------|
| 1990 - | \$ 93,500.00 |
| 1991 - | \$ 74,500.00 |

**PROJECTED ANNUAL REVENUE BASED ON PROPOSED FEE**

|        |              |
|--------|--------------|
| 1992 - | \$ 96,300.00 |
|--------|--------------|

**DIRECT OPERATING COSTS NOT INCLUDING SUPPORT SERVICES**

|        |              |
|--------|--------------|
| 1992 - | \$113,090.00 |
|--------|--------------|

**SURVEY OF MINOR VARIANCE FEES**  
**FEBRUARY 1992**

| <b><u>MUNICIPALITY</u></b> | <b><u>FEE<br/>RESIDENTIAL</u></b> | <b><u>FEE<br/>OTHER</u></b> | <b><u>BASED ON OPERATING COST<br/>ESTIMATE (yes) (no)</u></b> |
|----------------------------|-----------------------------------|-----------------------------|---------------------------------------------------------------|
| London                     | \$200.00                          | \$200.00                    | no                                                            |
| Windsor                    | \$175.00                          | \$500.00                    | yes                                                           |
| Toronto                    | \$125.00                          | \$300.00                    | no reply                                                      |
| Sudbury                    | \$200.00                          | \$200.00                    | no                                                            |
| Ottawa                     | \$100.00                          | \$100.00                    | no                                                            |
| Niagara Falls              | \$125.00                          | \$125.00                    | no                                                            |
| Mississauga                | \$150.00                          | \$350.00                    | yes                                                           |
| Scarborough                | \$150.00                          | \$800.00                    | yes                                                           |
| Etobicoke                  | \$175.00                          | \$450.00                    | yes                                                           |
| North York                 | \$150.00                          | \$300.00                    | no                                                            |
| Oshawa                     | \$125.00                          | \$125.00                    | no                                                            |

It is to be noted that the municipalities attempting to operate at cost recovery have lost some ground as they, like others, have experienced a drop in the number of applications received due to the recession.



**A D D E N D U M**  
**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**  
**DATED FEBRUARY 25, 1992**

**REVENUE VERSUS OPERATING COSTS FOR SOME FEE POSIBILITIES**

| <b><u>FEE 1 and 2 family</u></b><br><b><u>170 Files</u></b> | <b><u>FEE (other)</u></b><br><b><u>130 Files</u></b> | <b><u>TOTAL</u></b><br><b><u>REVENUE</u></b> | <b><u>REVENUE VERSUS</u></b><br><b><u>CURRENT REVENUE</u></b> |
|-------------------------------------------------------------|------------------------------------------------------|----------------------------------------------|---------------------------------------------------------------|
| \$250.00<br>(current)                                       | \$250.00<br>(current)                                | \$ 75,000.00                                 | Same                                                          |
| \$250.00                                                    | \$300.00                                             | \$ 81,500.00                                 | + 8.6 %                                                       |
| \$250.00                                                    | \$350.00                                             | \$ 88,000.00                                 | +17.3 %                                                       |
| \$250.00                                                    | \$400.00                                             | \$ 94,500.00                                 | +26.0 %                                                       |
| \$250.00                                                    | \$450.00                                             | \$101,000.00                                 | +34.6 %                                                       |
| \$250.00                                                    | \$500.00                                             | \$107,500.00                                 | +43.3 %                                                       |
| \$230.00                                                    | \$500.00                                             | \$104,100.00                                 | +38.8 %                                                       |
| \$190.00                                                    | \$500.00                                             | \$ 97,300.00                                 | +29.7 %                                                       |

**NOTE: The DIRECT annual operating costs of the Committee of Adjustment are \$113,000.00.**

**CITY OF HAMILTON  
- RECOMMENDATION -**

**DATE:** 1992 February 27

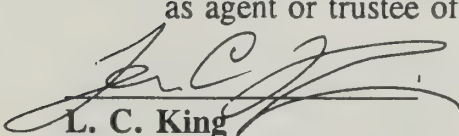
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

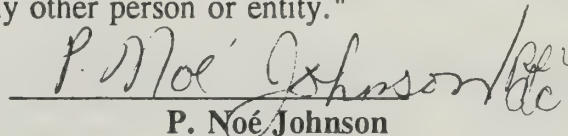
**FROM:** Len C. King  
Building Commissioner  
P. Noé Johnson  
City Solicitor

**SUBJECT:** Zoning By-Law - Definition "Owner"

**RECOMMENDATION:**

- a) That Zoning By-law 6593 be amended as follows:  
Section 2(2)(k)vii  
"owner means the person, corporation or other entity registered on title as owner or any person, corporation or other entity having control of the property, including those receiving rents for the property, whether on their own account or as agent or trustee of any other person or entity."

  
L. C. King  
Building Commissioner

  
P. Noé Johnson  
City Solicitor

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:** The Planning and Development Committee at their meeting of January 8th, 1992, approved the recommendation and approved calling a Public Meeting to deal with the recommendation. In the enforcement process of the City Zoning By-Law a recent prosecution case where the City alleged an improper use of land as a two family dwelling contrary to the By-Law, indicated that a definition of "owner" should be included in the Zoning By-Law.

**DISCUSSION:** The City laid an information alleging improper use of land as a two family dwelling in contravention of the Zoning By-Law for 565 James Street North. The information was laid against the Home Savings and Loan Corporation as the owner since the property was subject to "power of sale". The City argued that the Corporation had assumed beneficial ownership of the property at the time the violation occurred under its mortgage agreement, but was unable to substantiate to the satisfaction of the Court that the Corporation received the rents. Even if there had been evidence that the mortgage company had received the rent, the Court could have found that the mortgagee did not meet the definition of "owner". The definition proposed is similar to that which currently exists in the Fire Code.



3.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 February 26  
ZA-91-65  
Hannon West

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a modification in zoning - 475 Nebo Road.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 91-65, St. Lawrence Cement Inc., owner for a further modification to the existing "M-15" (Prestige Industrial) District regulations to permit **either** a ready mix concrete plant and contractor's yard/office **or** an asphalt plant including a contractor's yard/office for property located at 475 Nebo Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-15" (Prestige Industrial) District regulations as set out under Section 17G of Zoning No. By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 17G(1)(c) of By-law No. 6593, the following Industrial Uses shall be permitted:
    - 1) a ready-mix concrete plant or an asphalt mixing plant, but not both uses.
  - b) That notwithstanding Section 17G(2)(a)(1) of By-law No. 6593, a maximum height of 21.0 m shall be permitted for the ready-mix concrete plant only;
  - c) That notwithstanding Section 17G(2)(b) of By-law No. 6593, a minimum set back of 10.0 m shall be provided and maintained for every building and structure from the TransCanada Pipeline right-of-way; and,



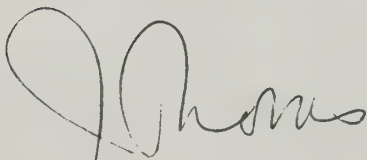
- d) That a chain link fence of not less than 1.8 m and not more than 2.0 m in height shall be provided and maintained along the northerly, easterly and southerly lot lines;
- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59E be notated S- ;
- iii) That By-law No. 80-223, applicable to the subject lands, be repealed;
- iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E for presentation to City Council; and,
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### EXPLANATORY NOTE:

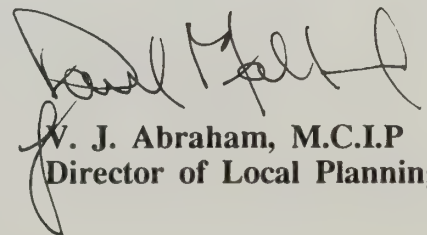
The purpose of the by-law is to provide for a modification to the "M-15" (Prestige Industrial) District regulations for land at 475 Nebo Road, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for a ready mix concrete plant and contractor's yard/office, or an asphalt mixing plant and contractor's yard/office, but not both uses. In addition, the by-law includes variances to provide for:

- a maximum height of 21.0 m for the ready-mix concrete plant only, whereas 14.0 m is permitted;
- a minimum setback of 10.0 m for every building and structure from the TransCanada Pipeline right-of-way; and,
- a chain link fence of not less than 1.8 m and not more than 2.0 m in height to be provided and maintained along the northerly, easterly and southerly lot lines.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**W. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Background

The applicant is requesting a modification to the existing "M-15" (Prestige Industrial) District regulations to permit a ready-mix concrete plant and contractors yard/office **or** an asphalt plant and contractors yard/office, **but not both uses**.

- By-law 80-223

On July 29, 1980, City Council passed By-law 80-223 modifying the existing "M-15" (Prestige Industrial) District regulations to permit an asphalt plant on the subject lands.

- DA-84-15

On May 9, 1984 the Planning and Development Committee approved a site plan for a contractors yard, storage of construction material and equipment, and a plant for the manufacture of asphalt.

**APPLICANT:**

St. Lawrence Cement Inc., owner.

**LOT SIZE AND AREA:**

The subject property has the following dimensions:

- a frontage of 83.17 m (272.86 feet) on Nebo Road;
- a depth of 215.48 m (706.95 feet); and,
- a lot area of 2.044 ha (5.052 acres).

**LAND USE AND ZONING:**

|                      | <u>Existing Land Use</u>                                         | <u>Existing Zoning</u>                         |
|----------------------|------------------------------------------------------------------|------------------------------------------------|
| <u>Subject Lands</u> | Concrete rubble storage/recycling yard; contractor's yard/office | "M-15" (Prestige Industrial) District Modified |

### Surrounding Lands

|              |                                                                               |                                                                                    |
|--------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| to the north | Industrial                                                                    | "M-15" (Prestige Industrial)<br>District                                           |
| to the south | Ontario Hydro right-of-way<br>Township of Glanbrook                           | "AA" (Agricultural)<br>"M-3" (General Industrial)<br>(south of hydro right-of-way) |
| to the east  | Vacant                                                                        | "M-14" (Prestige Industrial)<br>District                                           |
| to the west  | Ontario Hydro right-of-way<br>and sub-station, Hamilton<br>Hydro storage yard | "M-15" (Prestige Industrial)<br>District                                           |

### **OFFICIAL PLAN:**

The subject lands are designated **INDUSTRIAL and UTILITIES** on Schedule A - Land Use Concept and are within **SPECIAL POLICY AREA 11** on Schedule B - Special Policy Areas.

The majority of the subject lands area designated **INDUSTRIAL**, the following policies apply:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:...
- A.2.9.3.9      In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 11, Light Industrial Uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the Light Industrial land use category will apply.
- A.2.3.2      Council recognizes the varied nature of Industry in the City. Therefore, the policies of this Plan are intended to apply to a hierarchy of INDUSTRIAL categories. The hierarchy is not specifically designated on Schedule "A". However, some elements of the hierarchy are shown on Schedule "B" as Special Policy Area 11 and as set out in Subsection A.2.9.3. The location and distribution of additional categories will be identified through Neighbourhood Plans.
- A.2.3.13      The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.



- A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- A.2.3.16 All new developments in the LIGHT INDUSTRIAL category will be subject to site plan control as provided by The Planning Act.
- A.2.3.17 Council will encourage all new developments in LIGHT INDUSTRIAL precincts to adhere to good architectural quality in building design.
- A.2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulate, water quality control and waste control, including the quality of discharge and run-off.
- A.2.3.24 Site plan control may be applied to any INDUSTRIAL development. However, it will be required for all INDUSTRIAL developments abutting lands designated Open Space and Hazard Lands, in addition to all Light INDUSTRIAL developments.
- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3.
- A.2.3.26 INDUSTRIAL USES that are proposed to be developed adjacent to existing INDUSTRIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses."

A portion of the subject lands (TransCanada Pipeline) are designated *UTILITIES*, the following policies apply:

- "A.2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing and associated parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified."

The proposed use is not permitted in the *UTILITIES* designation. However, a preliminary site plan indicates that development will not take place on the TransCanada Pipeline easement. On this basis, the proposal will not conflict with the *UTILITIES* designation,

To conclude, the proposal does not conflict with the intent of the Official Plan.



### ***NEIGHBOURHOOD PLAN:***

The lands are designated "Restricted Industrial" in the approved Mountain Industrial Area Plan. The proposal complies with the approved Plan.

### ***COMMENTS RECEIVED:***

- The following departments and agencies indicated they had no objection to the proposal:
  - the Real Estate Department;
  - the Economic Development Department;
  - the Hamilton Region Conservation Authority;
  - the Township of Glanbrook;
  - Ontario Hydro; and,
  - the Traffic Department.
- CN has advised that:
 

"We have reviewed your letter dated 29 October, 1991, regarding the above noted proposal and have no objections in principle, providing that the following concerns are subsequently addressed during development:

  1. Any proposed alteration to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
  2. Surface runoff from the site onto Railway property must be constrained to pre-development levels under Regional or 100 year Storm conditions which ever is most severe.
  3. The Owner shall install and maintain at his own expense, a chain link fence of a minimum 1.8 metre (6 feet) height along the mutual property line."
  - TransCanada PipeLines has advised that:
 

"...Our pipeline easement is adjacent to this property and therefore any development will affect the safety and integrity of our pipeline. We have no objections to the rezoning of this property subject to the following conditions:

- 1) All permanent structures are to be located at least ten metres from the limits of our right-of-way. We recommend this ten metre development set-back to ensure that there will be sufficient work space for future maintenance or construction programs.
- 2) All crossing of the right-of-way by roads, services or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services, and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.
- 3) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.
- 4) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 5) Road allowance limits must not be located on the pipeline right-of-way.
- 6) The south side of the pipeline right-of-way should be permanently fenced-off and maintained by the developer/owner. The north side of the pipeline right-of-way should have a berm built to TCPL's satisfaction prior to the use of the property as a concrete plant.
- 7) No fill or building materials may be stored on the pipeline right-of-way at any time.
- 8) During construction on the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the developer/owner(s) to prevent unlimited access by heavy machinery. TransCanada's District Office in Hannon...must be given three business days advance notice before the commencement of any construction on the site, including the proposed north/south fence across the right-of-way.
- 9) Landscaping of the right-of-way must be approved by TransCanada and done in accordance with TransCanada's Planting Guidelines.
- 10) Vehicle barriers, of a design acceptable to TransCanada, shall be installed where public vehicles cross the right-of-way.
- 11) The owner is required to grant to TransCanada any additional easements we may require for the continued safe operation of our pipelines.

- 12) The developer/owner is required to submit a construction schedule to TransCanada prior to the commencement of any work on the property.
- 13) The developer must ensure that all contractors and sub-contractors are fully aware of and observe the foregoing conditions.
- 14) TransCanada shall be informed of the number of people that are to be employed at this site. TransCanada must comply with the standards set by the Canadian Standards Association, therefore the number of people working at the site may affect the density count which may result in the necessity of a pipe replacement at this location.
- 15) TransCanada should be given site plan approval before a building permit is issued."

- the Ministry of Environment has advised that:

"...on considering the industrial nature of surrounding lands uses including other of the types now proposed, the Ministry of Environment would have no objection to approval to a zoning by-law amendment for either type of operation. If the amendment is approved, the company will be required to apply to this Ministry for a Certificate of Approval with respect to the control of emissions to the atmosphere, pursuant to Section 8 of the Environmental Protection Act..."

- the Building Department has advised that:

- "1. The proposed use is considered an industrial use and is under S.I.C. #3551 - Ready-Mix Concrete Industry, which is not permitted in any "M" zoning district.
2. No building or structure shall exceed 14.0m in height.
3. No buildings or structures are permitted in the required side or rear yards.
4. All signs shall conform to Section 17G(3) of Zoning By-law 6593.
5. The proposal shall conform to Section 17G(2)(f) and (g) of Zoning By-law 6593 for parking and loading requirements.
6. If the existing permit use of an asphalt mixing plant is no longer in operation, maybe By-Law 80-223 shall be repealed."

The Building Department further advised that:

- "1. An asphalt mixing plant is a permitted use as per By-Law 80-223 (/S-714).



2. The comments in the letter to your Department dated December 4, 1991 are still applicable to the concrete batching plant."

- the Hamilton-Wentworth Engineering Department advises that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. In the absence of any details shown, we advise that any works within the Nebo Road road allowance, as widened, must conform to the Region's Roads Use By-law. The subject lands should be developed through site plan control and we will provide more detailed comments on grading, setbacks etc. at that time."

### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with approved Mountain Industrial Area Plan.
3. The proposal to modify the existing "M-15" (Prestige Industrial) District regulations to permit either a ready mix concrete plant and contractor's yard/office, or an asphalt plant and contractor's yard/office, can be supported on the basis that:
  - the lands already have a special zoning and an approved site plan to permit an asphalt plant. A concrete plant is similar in nature to an asphalt plant, therefore its impact on the surrounding uses will be minimal;
  - the proposed uses are similar in nature to the surrounding industrial land uses. In particular, lands to the south (south of the Ontario Hydro right-of-way in Glanbrook) are developed with two ready-mix concrete plants; and,
  - it maintains the intent of the "M" Districts which recognizes "M-15" zoned lands as being reserved for industry including contractor's yards and with increased outside storage.
4. There is an approved site plan for an asphalt plant on the property. Should the applicant develop the site for a concrete plant or alter the proposed asphalt plant, then an amendment to the approved site plan will be required.
5. Comments from both CN Rail and TransCanada indicate that neither have any objections to the proposal, but identify a number of conditions which the applicant must satisfy if the application is approved. Comments with respect to grading, drainage and a berm can be dealt with if/when the site plan is amended. Those comments relating to the setback from the TransCanada Pipeline right-of-way, and fencing can be dealt with through variances to the by-law which can be supported.

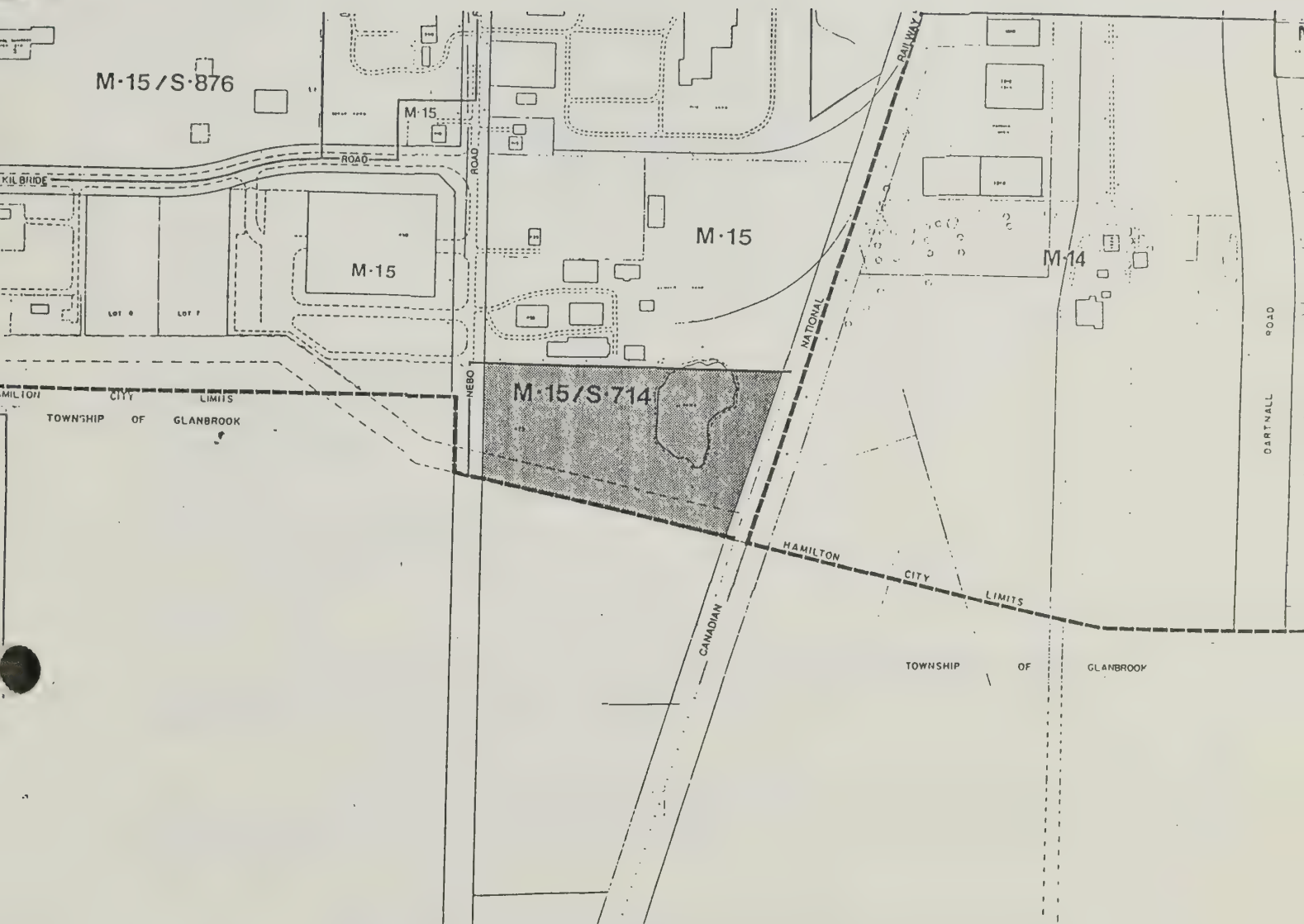


6. If the application is approved, the applicant is required to apply the Ministry of Environment for a Certificate of Approval regarding the control of emissions to the atmosphere, pursuant to Section 8 of the Environmental Protection Act.
7. The applicant has advised that the proposed ready-mix concrete plant will require a maximum height of 21.0 m, which is in excess of the permitted 14.0 m. This variance can be supported on the basis that it will be limited only to the height of the ready-mix concrete plant.

***CONCLUSION:***

Based on the foregoing, the amended application can be supported.

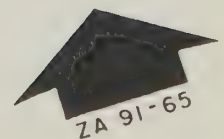
CF/ma  
ZA9165



### Legend



Site of the Application





"Copy sent to Victor Abraham, Director of Local Planning;  
and Patrice Noe Johnson, City Solicitor - Law Department;  
- 1992 February 25".

FEB 16 1992

Bob Graham - Lorne Hubber

3a)

195 Hempstead Drive  
Hamilton, Ontario L8W 2E6

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TELEPHONE: (416) 388-3800  
FAX: (416) 575-7166  
G.S.T: R124294240

February 20, 1992

The Planning and Development Committee  
The Corporation of the City of Hamilton  
71 Main St. W.  
Hamilton, Ontario  
L8N 3T4

Reference: File ZA-91-65  
#457 Nebo Road

Dear Sir:


We are the owners of #455 Nebo Road, which is adjacent to the property of St. Lawrence Cement Inc. Our property was the former Cashway retail lumber yard and hardware store.

While we are not opposed in principal to the proposed modification, we are concerned about the drainage and water run off from #475 Nebo Road onto our property, especially in the area of the old Hannon Quarry.

The elevation of #475 Nebo Road has been raised by the dumping of various stone, asphalt and debries adjacent to our property line. Before this application is approved, the drainage problem should be addressed.

We would be agreeable to meet with the planning committee and a representative of St. Lawrence Cement to investigate a possible solution.

Yours truly,

  
Lorne Hubber

LH/jas





4.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** February 24, 1992  
ZA-91-79  
Templemead Neighbourhood

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in Zoning - No. 1067 Rymal Road  
East.

**RECOMMENDATION:**

That approval be given to amended Zoning Application 91-79, Angelo Saliccioli, prospective owner, requesting a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District to permit a ten (10) unit stacked townhouse development, for the property located at 1067 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

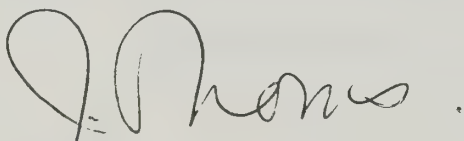
- i) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District;
- ii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-Law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 10C(3)(iii)(b) of Zoning By-law No. 6593, a rear yard of a depth of at least 6.76m shall be provided and maintained along the northerly lot line;
  - b) That notwithstanding Section 10C(5) of By-Law No. 6593, a maximum of ten (10) dwelling units shall be permitted;
- iii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- ; and that the subject lands on Zoning District Map E-49D be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

- vi) That the approved Templemead Neighbourhood Plan be amended by redesignating the subject lands from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

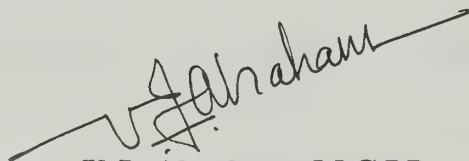
***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development-Multiple Residential) District to "DE-3" (Multiple Dwellings) District, for the property located at 1067 Rymal Road East, as shown on the attached map.

The effect of the By-law is to permit the construction of a stacked townhouse development having a maximum of ten (10) dwelling units, with an additional variance to provide a rear yard depth of at least 6.76m instead of the minimum required 4.01m rear yard. The existing residential building would be demolished.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

It is the applicant's intention to construct a stacked townhouse development having a maximum of ten (10) dwelling units.

***APPLICANT:***

Angelo Saliccioli, prospective owner.

***LOT SIZE AND AREA:***

- 24.384 m (80 ft.) of lot frontage on Rymal Road East;
- 73.789 m (242.09 ft.) of lot depth; and,
- 1799.271 m<sup>2</sup> (19367.2 sq.ft.) of lot area.

**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>      | <u>Existing Zoning</u>                                                                    |
|--------------------------|-------------------------------|-------------------------------------------------------------------------------------------|
| <u>Subject Lands</u>     | Semi-Detached Dwelling        | "L-mr-1" (Planned Development - Multiple Residential) District                            |
| <u>Surrounding Lands</u> |                               |                                                                                           |
| to the north             | Single-Family Dwellings       | "D" (Urban Protected Residential - One and Two Family, Townhouses) District               |
| to the east              | Townhouse Dwellings           | "RT-20" (Townhouse and Maisonette) District                                               |
| to the west              | Townhouse Dwellings           | "R-4" (Small Lot Single-Family Detached) District, modified to permit townhouse dwellings |
| to the south             | Industrial/Commercial Complex | "M-12" (Prestige Industrial District)                                                     |

**OFFICIAL PLAN:**

The subject lands are designated RESIDENTIAL on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.10      Subject to the Ontario Building Code, as amended from time to time, development and redevelopment designs which reflect improved energy efficiency and take into account innovations in building technology will be encouraged.
- A.2.1.11      Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.



- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
  - ii) Alteration of traffic flows;
  - iii) Improvement and maintenance of street landscaping;
  - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
  - vii) Encourage development of densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

Based upon the above-mentioned policies the proposal complies with the intent of the RESIDENTIAL designation. However, the proposal does not comply with the Approved Neighbourhood Plan. The proposal will comply with the Official Plan, once the Neighbourhood Plan is amended.

#### **NEIGHBOURHOOD PLAN:**

The lands are designated "ATTACHED HOUSING" on the approved Templemead Neighbourhood Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "LOW DENSITY APARTMENTS".

## **RESULTS OF CIRCULARIZATION:**

- The Hamilton Region Conservation Authority have reviewed the above-mentioned proposal and does not have any objection.
- The Traffic Department has reviewed the original application and has made the following comment:

" We do not support the layout of the proposed development as shown on the site plan submitted with the application. We have discussed the design of this proposal with the applicant, and they are aware that we are opposed to this layout. We have attached a plan showing the loading space in a more acceptable location. The limited dimensions of the property may not allow the Zoning By-law requirements for this proposal to be accommodated on-site. Therefore, we recommended that this application be tabled until a site plan for this proposal has been approved."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. In the absence of any details shown, we advise that any works within the Rymal Road road allowance, as widened, must conform to the Region's Roads Use By-law.

The subject lands should be developed through site plan control or plans indicating grading setbacks, landscaping, etc. must be submitted for our review and approval."

- The Building Department has reviewed the original application and has advised the following:

"1. The following are the minimum required yards:

|             |        |
|-------------|--------|
| Front Yard: | 6.0 m  |
| Side Yards: | 6.52 m |
| Rear Yards: | 4.01 m |

All minimum yards shall be measured to the cantilevered floor area.

2. No balcony shall project more than 1.0 m into the required side yard.
3. The westerly side yard and rear yard are insufficient and the second floor balcony projects more than the permitted.
4. The planting strip and visual barrier is required between the parking and loading and the residential districts to the east and west.
5. Demolition approval of the existing residential building by the Planning and Development Committee under the Demolition Control By-law is required."

**COMMENTS:**

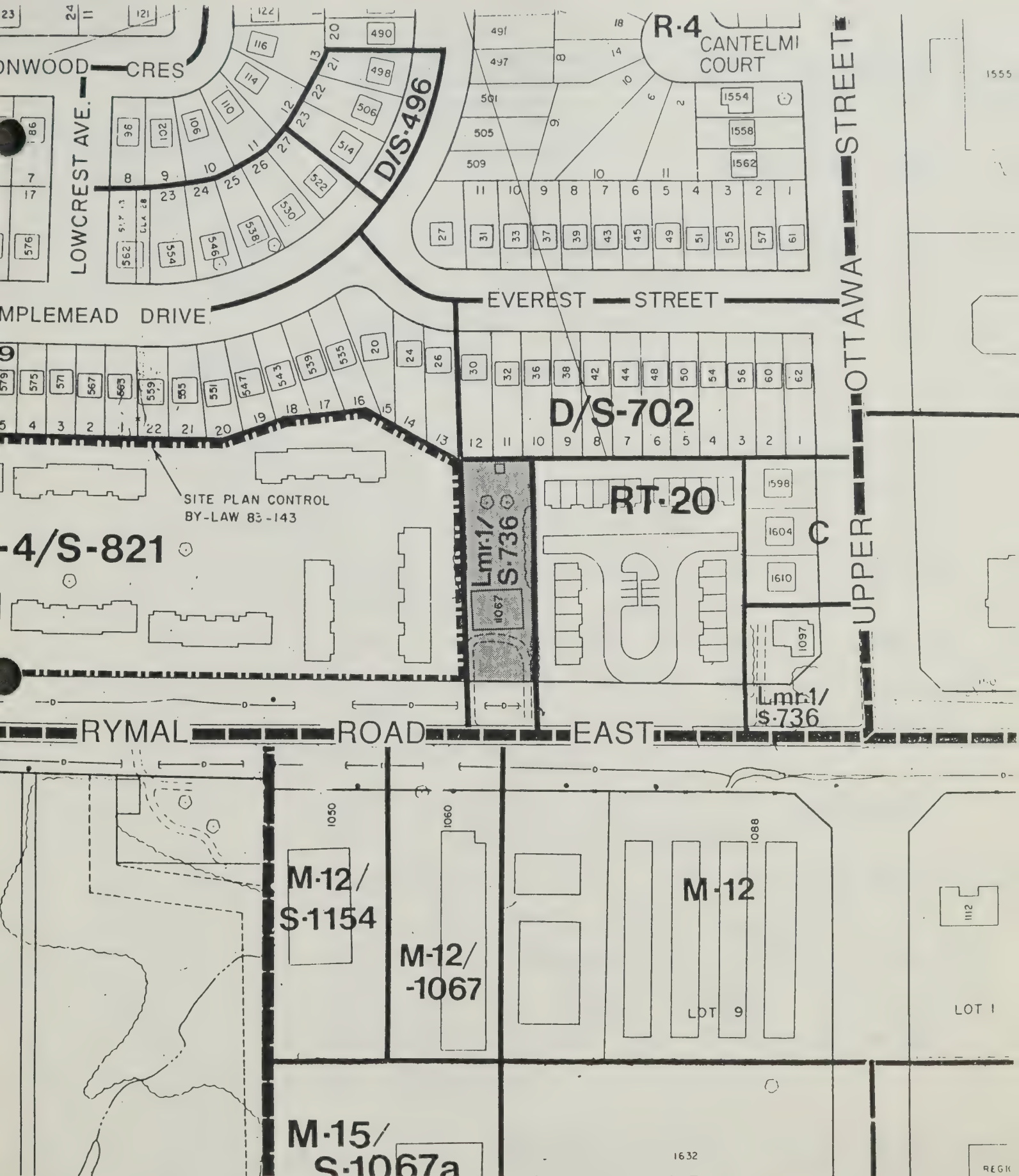
1. The proposal does not comply with the intent of the Official Plan. The proposal also conflicts with the intent of the approved Templemead Neighbourhood Plan. Approval of the application would require a designation to "Low Density Apartments" on the Neighbourhood Plan. Upon the redesignation of the lands in the Neighbourhood Plan, the proposal will comply with the intent of the Official Plan.
2. The proposed ten (10) unit stacked townhouse development (multiple-dwelling) has merit and can be supported for the following reasons:
  - i) it is proposed on a remanent parcel of land;
  - ii) it would be compatible and in character with existing development in the area which is predominated by townhouse developments to the east and west;
  - iii) the proposed development will integrate with and be sensitive to the adjoining developments in terms of height, bulk, and arrangement;
  - iv) the subject property fronts onto an arterial road (Rymal Road East), for which multiple dwellings are appropriate.
3. The "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-223. Issues such as building design, landscaping, parking layout and access will be addressed at that stage of development.

**CONCLUSION:**

Based on the foregoing, the proposal, as amended, can be supported.

JL/ma  
ZA9179

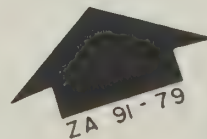




Legend



Site of the Application



APPENDIX A





4a)

Glenn Lethbridge  
38 Everest St.  
Hamilton L8W 2G9

FEB 13 1992

FEB 12 1992

PLANNING + DEVELOPMENT COMMITTEE  
RE. FILE ZA-81-79  
CHANGE IN ZONING  
DEAR COMMITTEE MEMBERS.

MY FAMILY HAS MANY CONCERNS  
REGARDING THIS CHANGE IN ZONING.  
NAMELY THE FOLLOWING.

- DENSITY OF UNITS ON A SMALL PARCEL OF LAND
- CONFIGURATION OF UNITS WOULD ALLOW CARS ETC. ~~AND~~ UP AGAINST FENCELINE WITH VERY LITTLE GREEN SPACE.
- ROAD ACCESS ONTO A VERY BUSY ARTERY ROAD.
- CONCERN THAT THE AREA ALREADY HAS ENOUGH TOWN UNITS.
- EXISTING PROPERTY IF CLEANED UP COULD ADD VERY NEEDED GREEN SPACE TO THE RYMAL RD. AREA

I WILL BE PRESENT AT THE MEETING  
TO DISCUSS MY VIEWS AND OFFER  
MY OPIONS.

Yours Glenn Lethbridge

38 EVEREST ST.

H 383-4219 W 525-4330



2A91-79

FEB 13 1992

26 Everest St.  
Hamilton Ont.  
L8W-2G9

Secretary  
Planning and Development Committee.  
City Hall

The reason why I'm opposed for rezoning of  
"L-M1" to DE-3" of 1067 Rymal Road, is that behind  
my house there are already townhouses. Since those  
townhouses were built I have had nothing but problems.  
Some of these problems were quite serious like (my  
child got hurt right on my patio). I complained many  
times to City Hall, with police department, and with the  
managers of the town houses.

I couldn't believe that living close to townhouses  
would have been so difficult and stressful.

The value of our property has gone down (even though  
we still pay high taxes).

I hope that this matter will be taken into  
consideration for this future development.

Yours Truly  
Carlo Caruso

Carlo Caruso  
26 Everest St.  
Hamilton L8W 2G9





## CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 February 27  
ZA-91-69  
Industrial Sector "A"  
Keith Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for an Official Plan Amendment and a change in zoning - No. 165  
Burton Street.

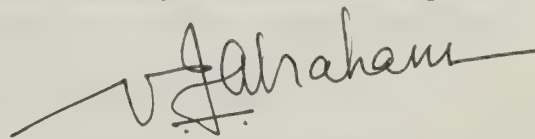
**RECOMMENDATIONS:**

That amended Zoning Application 91-69, Agommen Ltd., prospective owner, requesting an amendment to the Official Plan to redesignate the subject lands from "Industrial" to "Residential" and to remove the subject lands from Special Policy Area 11 and to place them within Special Policy Area 8, and requesting a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District modified, to "DE-3" (Multiple Dwellings) District modified, to permit a 27 unit stacked townhouse development, on property located at No. 165 Burton Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

1. It represents an overintensification of use in that:
  - 1.1 the proposed 27 dwellings units are 3x the density that would normally be permitted in the surrounding residential area (ie. 9 townhouse units);
  - 1.2 adequate yards and landscape space, including play areas, are not provided.
2. The building mass (approx. 288 feet of lineal building face) would be incompatible and out of character with established single-family and two family residential development in the surrounding area.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



V.J. Abraham, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The purpose of the proposed change in zoning is to permit redevelopment of the subject lands for stacked townhouses (27 units proposed - see Appendix "B").

- Environmental Soils Report

On October 10, 1991 a professional Geotechnical/Geo-Environmental Investigation was prepared for the applicant by the firm PetoMacCallum Ltd., Consulting Engineers. The report concluded that; "Based on the results of the environmental testing the on-site soils are classified as non-hazardous, non-registerable and considered suitable for on-site reuse and/or disposal on residential/commercial properties."

- Environmental Noise Analysis

An environmental noise analysis has not been prepared for the site.

- Housing Intensification Strategy

On July 24, 1991, City Council adopted, among others, the following policy with regard to the "Housing Intensification Strategy - Redevelopment, Infill, Non-Residential Conversions and other Initiatives":

- "3.     iii)     That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement."

**APPLICANT:**

Agommen Ltd., prospective owner.

**LOT SIZE AND AREA:**

- 91.44m (300.0 ft.) of lot frontage on Burton Street;
- 28.34m (93.0 ft.) of lot depth; and,
- 2,591.9m<sup>2</sup> (27,900 sq. ft.) of lot area.

**LAND USE AND ZONING:**

|                          | <u>Existing Land Use</u>                      | <u>Existing Zoning</u>                                                                                                                                         |
|--------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Subject Lands</u>     | industrial building                           | "J" (Light and Limited Heavy Industry, etc.) District,                                                                                                         |
| <u>Surrounding Lands</u> |                                               |                                                                                                                                                                |
| to the north             | railway spur line and single-family dwellings | "J" (Light and Limited Heavy Industry, etc.) District and "D" (Urban Protected Residential, One and Two family Dwellings, Townhouses, etc.) District, modified |
| to the south             | single-family dwellings                       | "J" (Light and Limited Heavy Industry, etc.) District, modified                                                                                                |
| to the east              | gasoline service station                      | "H" (Community Shopping and Commercial, etc.) District, modified                                                                                               |
| to the west              | industrial building                           | "J" (Light and Limited Heavy Industry, etc.) District, modified                                                                                                |

**OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept Plan and are also located within "SPECIAL POLICY AREA 11" of the Official Plan. The following policies, among others, would apply:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:..



- A.2.3.14 The primary uses permitted in this (Light Industrial) category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- A.2.3.22 In amending the Plan to permit a change in use from Residential to LIGHT INDUSTRIAL or LIGHT INDUSTRIAL to Residential in areas where a mix of Residential and Industrial is permissible in the short-term, Council will consider the following in the preparation of appropriate by-laws:
- i) Recommendations of any future residential enclave studies;
  - ii) The advisability of retaining existing buildings or uses in terms of their architectural or historical merit, or employment opportunities;
  - iii) The extent to which a change in use would adversely affect the continued compatibility of neighbourhood uses; and...
- A.2.3.33 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Subsection D.2, to identify potentially viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short-term. Council's long term planning objectives will be for the removal of Residential Uses from established INDUSTRIAL USE areas.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses.
- A.2.9.3.6 Within SPECIAL POLICY AREA 8 indicated on Schedule "B", where dwellings are permitted to front on Wentworth Street, or are adjacent to industrially designated lands, with the exception of Light Industrial Uses, the following measures will be required to minimize the existing or potential impacts emanating from industries or traffic:
- i) The use of sound attenuating construction techniques and materials;
  - ii) The orientation of habitable rooms away from the source of the impacts;
  - iii) The joining of dwelling units in a manner which best attenuates noise intrusion into the interior of the SPECIAL POLICY AREA; and,

- iv) The inclusion of air conditioning to avoid window openings and penetration of noise and polluted air."

The proposal does not comply with the intent of the Official Plan. An amendment would be required to redesignate the subject lands from "INDUSTRIAL" to "RESIDENTIAL". In addition, the subject lands should be removed from Special Policy Area 11 and be placed within Special Policy Area 8.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "INDUSTRIAL" on the approved Keith Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation of the subject lands to "MEDIUM DENSITY APARTMENTS".

#### ***COMMENTS RECEIVED:***

- The Building Department has advised that:
  - "1. The two proposed buildings are multiple dwellings containing a total of 27 dwelling units.
  2. A minimum of 34 parking spaces and 1 - 3.7m x 9.0m x 4.3m loading space is required on the lot.
  3. The cantilevered portions of the buildings shall be considered for overall building dimensions, gross floor area, yard requirements and building face for setbacks. Verify all pertinent information.
  4. It appears the cantilevered portions at the end of the buildings will encroach over the lot lines.
  5. The separation distance between the buildings shall be one half height of 11m.
  6. The following is the minimum required yards:
    - Front yard: - 6.07m west building  
6.98m east building
    - Side yards: 3.98m (east)  
3.38m (west)
    - Rear yards: 6.67m west building  
7.58m east building

Note: All yards to be measured to wall face of cantilever.

7. The alleyway may only be used for a oneway direction access driveway, which would be hard to regulate".

- The Traffic Department has advised that:

"..while we have no objection to the change in zoning, we do have the following comments to make about the preliminary plan.

A 27 unit multiple dwelling requires 34 parking spaces, seven of which should be visitor parking. We recommend that all required parking be supplied.

In addition, the status of the alley along the east side of the property should be clarified. If the intent is to use the alley to access the project, we recommend that the alley be widened to 6.0 meters to allow two way movements."

- The Hamilton Wentworth Transportation/Environmental Services Group - Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The existing road allowance width of Barton Street and Cheever Street is 15.24m which is the absolute minimum for the City of Hamilton Streets. Since these roadways are less than 20.12m in width, daylight triangles are required at the intersections to provide for required turning radii and sidewalk behind the curb line. In order to provide for this, we recommend that as a condition of development approval, that a 3.048m x 3.048m daylight triangle at the northeast corner of Burton and Cheever Street be dedicated to the City of Hamilton for road widening purposes.

According to our plans, the existing building at No. 165 Burton Street encroaches into the Cheever Street road allowance. Should the existing building be retained, we recommend that as a condition of approval the owner enter into an encroachment agreement with the City.

Any other works which may occur within the road allowances and the daylight triangles as widened, must conform to the City's Streets By-Law.

The site plan should be revised to reflect the widened daylight triangle limits and setbacks taken from these limits.

We recommend that the building features be modified at the corner of Burton and Cheever and that the alley provide improved visibility for vehicles entering this area, since motorists now entering the roadway/sidewalk area would virtually do so blindly.



According to our records, the alley to the east of the subject lands is public unassumed. The applicant may wish to initiate steps to close the alley to the east of the subject lands since it provides limited access to adjacent lands.

We recommend that if approved, the subject lands be developed through site plan control. At that time we will submit our specific comments on the site, grading and landscape plans."

- CP Rail has advised that:

"Residential development in close proximity to our right-of-way is not compatible with railway operations. The health, safety and welfare of potential residents could be adversely affected by railway activities. The present "J" District zoning (Light and Heavy Industry) is much more compatible with Railway operations. However, should the proposed residential subdivision be approved, CP Rail requests the following minimum conditions be imposed on the development:

1. Dwellings should be set back a minimum distance of 15 metres from the property line. Unoccupied buildings, as garages may be exempted.
2. A 6 foot chainlink fence be installed along our common property line, said fence to be erected and maintained by the developer.
3. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate ministry.
4. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the Railway.
5. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement."..

- The Ministry of the Environment has verbally advised that they are not opposed to the change in zoning and it would be appropriate to undertake a noise study to determine what mitigative measures may be appropriate at this location. With regard to the soils study submitted by the applicant, the Ministry has advised that they require more information concerning the former use of the site prior to final approval and decommissioning.
- The Economic Development Department has advised that:

"The Economic Development Department offers no objections to the change in zoning from J to DE-3 at the above noted property. However, the loss of industrial zoned land on what will eventually become a major interchange for the Permitter Road may have



future ramifications (ie. noise complaints of residences in the newly constructed townhouse complex)."

- The Hamilton Region Conservation Authority has no objection.

#### **COMMENTS:**

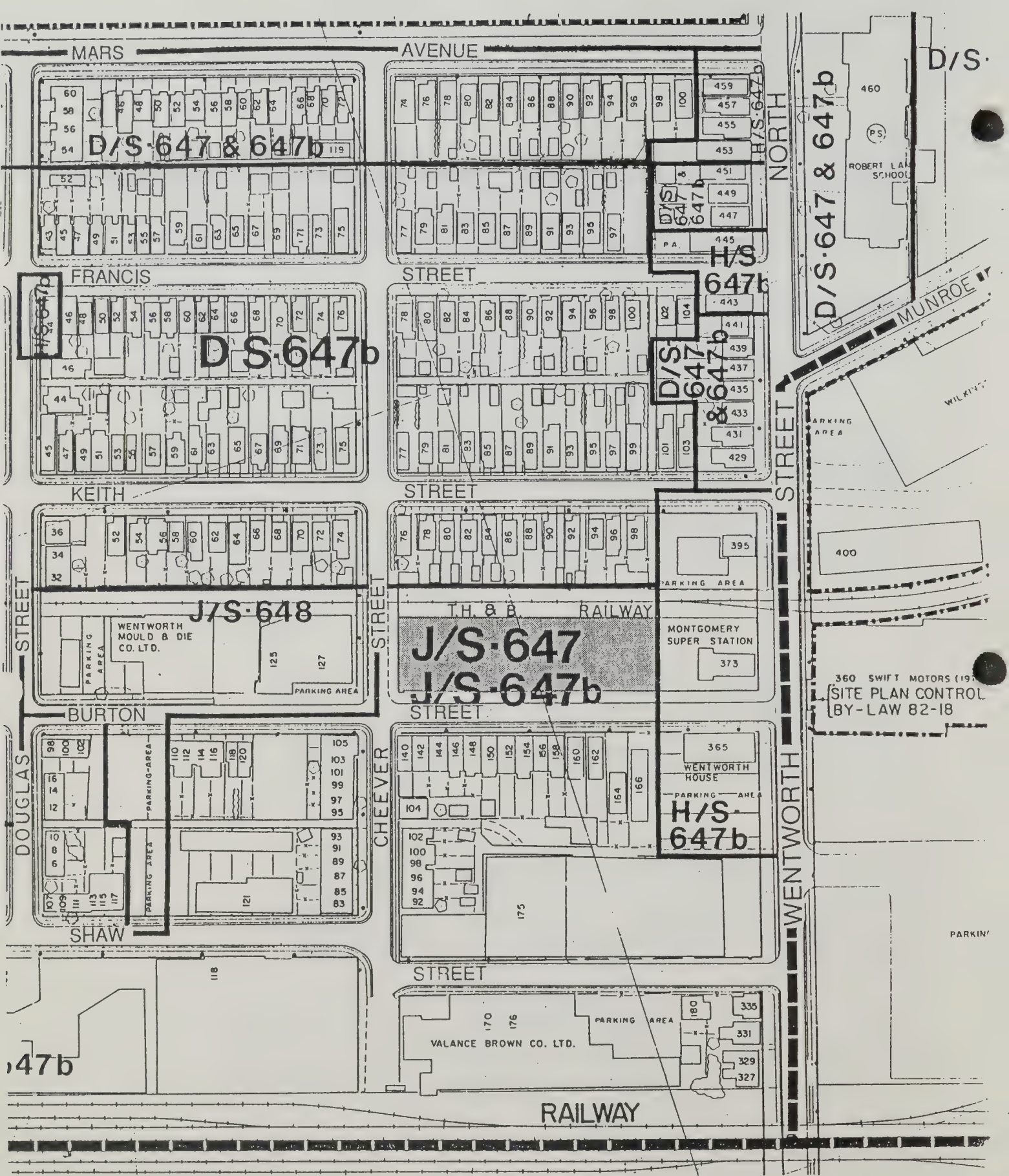
1. The proposal does not comply with the intent of the Official Plan. An amendment would be required to redesignate the subject lands from "INDUSTRIAL" to "RESIDENTIAL". In addition, the subject lands should be removed from Special Policy Area 11 and be placed within Special Policy Area 8.
2. The subject lands are designated "INDUSTRIAL" on the approved Keith Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation of the subject lands to "MEDIUM DENSITY APARTMENTS".
3. Although the Department supports the concept of redevelopment/intensification as a means of providing affordable housing opportunities, and is of the opinion new residential development would enhance the area, the application as proposed cannot be supported for the following reasons:
  - 3.1 It represents an over-intensification of use in that:
    - the residential lands to the north are zoned "D" District which permits, among other uses, single-family dwellings, two family dwellings and townhouses. In accordance with the "RT-10" (Townhouse) District regulations, a maximum of 9 units could be built on the subject lands, whereas the applicant is proposing to construct 27 stacked townhouse units or 3x the corresponding density;
    - adequate yards and landscape space, including play areas, are not provided. Given the location of the property in the Keith Enclave and the proximity to the Industrial Sector the provision of on-site landscaped space/amenity area is essential. In this regard, the proposal would only provide for a 3.0m front and westerly side yard, a 0.84m easterly side yard, and a 3.0m wide patio/landscaped yard at the rear of the building.
  - 3.2 The building mass would be incompatible and out of character with the established single-family and two family residential development in the area. In this regard, the applicant is proposing to construct one building which would have a continuous lineal building face of approximately 87.78m (288 feet) or 96% of the lot frontage on Burton Street (ie. 91.44m or 300 feet).

For the information of the Committee, the Ministry of Environment has advised that more information is required concerning the former use of the site. Prior to development of the lands a Remedial Action Plan and a decommissioning process would have to be completed. Furthermore, it would be appropriate to require a Noise Study.

***CONCLUSION:***

On the basis of the foregoing, the application should be denied.

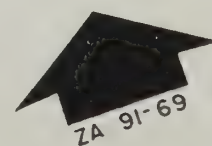
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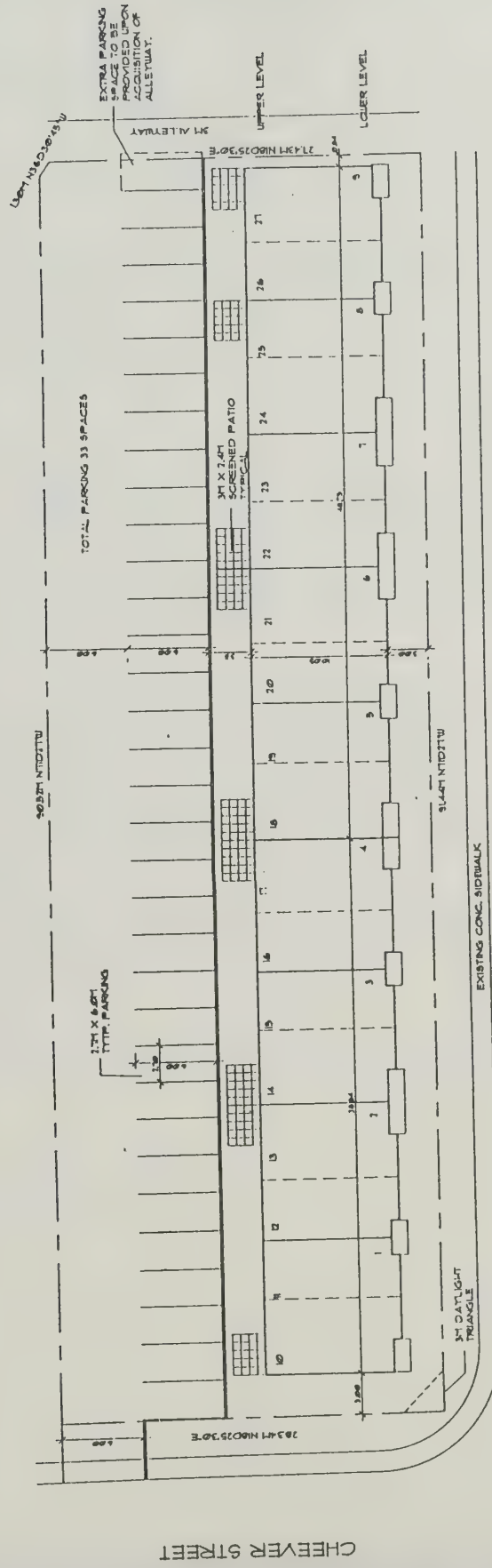
Legend



Site of the Application



TORONTO, HAMILTON, and BUFFALO RAILWAY CO.



SITE PLAN  
SCALE 1/8" = 1'-0"

SITE STATISTICS





Canadian Engineering and Contracting Co. Limited  
P.O. Box 739, Depot 1, (121 Shaw Street)  
Hamilton, Ontario L8N 3N1  
Telephone: (416) 528-8341 Fax: (416) 528-0850

"Copy sent to Victor Abraham, Director of Local Planning;  
and Patrice Noe Johnson, City Solicitor - Law Department;  
- 1992 February 20".

February 19th, 1992.

50

Secretary,  
Planning and Development Committee,  
City Hall,  
71 Main Street West,  
Hamilton, Ontario. L8N 3T4

Dear Sir,


Re: Your File Number ZA91-69 SEQ 00210/00017

We are enclosing herewith reply form cards registering our opposition to the proposed Zone Change from "J Modified" to "DE3 Modified".

Our Burton Street property affected by this request for change is presently being utilized for parking of cars, trucks and trailers, as well as temporary storage of miscellaneous materials. We may, in the near future, require a building to house them in which event, should the proposed Zone Change be adopted, we would not be able to proceed with our needs and requirement to operate our business.

We thank you for the opportunity to register our comments and thank you in advance for your kind consideration of same.

Yours truly,  
CANADIAN ENGINEERING AND CONTRACTING CO. LIMITED

  
T. Nakamura,  
President

TN/ac

Encls.



PROPOSED CHANGE IN ZONING FROM J MODIFIED TO DE-3 MODIFIED

PROPERTY DESCRIPTION - NO. 165 BURTON STREET

I AM IN FAVOUR OF ( )

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

.....  
CANADIAN ENGINEERING &  
CONTRACTING CO LIMITED  
121 SHAW ST  
P O BOX 739  
HAMILTON ONT

L8N 3N1

.....  
FILE-ZA91-69      SEQ-00017

1992  
FEB 13 1992  
HAMILTON, ONTARIO

.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

PROPOSED CHANGE IN ZONING FROM J MODIFIED TO DE-3 MODIFIED

PROPERTY DESCRIPTION - NO. 165 BURTON STREET

I AM IN FAVOUR OF ( )

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

.....  
CANADIAN ENGINEER OR OCCUPANT  
CONTRACTING CO LIMITED  
121 SHAW ST  
P O BOX 739  
HAMILTON ONT

L8N 3N1

.....  
FILE-ZA91-69      SEQ-00210

.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

5b)

ZA91-69

FEB 14 1992

Feb. 12/92

FEB 17 1992

I am opposed to  
27 units townhouses  
on Burton Street  
There is only 3 hour  
parking here. There  
is no parking now  
with the hotel at the  
corner. Too much traffic  
on such a narrow  
street now. The  
taxes will increase  
which we cannot afford.  
for nothing

Joyce Naylor  
150 Burton L3 L3 R6





6.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 February 26  
(ZA-91-82)  
Gibson Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification to zoning - No. 547 and 549  
Wilson Street and Nos. 79 and 81 Sanford Avenue North.

**RECOMMENDATION:**

1. That approval be given to Zoning Application 91-82, Domenico DeRosa, owner, for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit accessory parking on the lands shown as Block "1", and a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit an expansion to the rear of the existing bakery located on the lands shown as Block "2", for properties located at Nos. 547 and 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
    - a) That notwithstanding Section 10.(1) of By-law No. 6593 the following uses shall be permitted:

1. Industrial Use:

A bakery on Block "2"

2. Commercial Use:

One business identification sign that is a window sign or a wall sign that complies with the following requirements:

A. The total aggregate area of the sign shall not exceed 2.5 m<sup>2</sup>.

B. The sign shall not be illuminated except by non-flashing indirect lighting.

3. Accessory Use:

A. A restaurant having a maximum seating capacity of 12 persons on Block "2".

B. Parking area on Block "1".

b) That notwithstanding Section 10(3)(i) of By-law No. 6593, a front yard of a depth of at least 3.0 m shall be provided and maintained for the building located on Block "2";

c) That notwithstanding Section 10(3)(ii) of By-law No. 6593, a southerly side yard of a width of at least 0.10 m and a northerly side yard of 0.71 m shall be provided and maintained for the building located on Block "2";

d) That a minimum 1.5 m wide landscape strip shall be provided and maintained along the westerly lot line, northerly lot line, and the rear 7.9 m of the easterly lot line of Block "1";

e) That a closed board fence not less than 1.2 m nor more than 2.0 m in height shall be provided and maintained along:

### 3

1. the westerly lot line, northerly lot line, and the rear 7.9 m of the easterly lot line of Block "1";
  2. the rear 8.50 m of the northerly lot line of No. 81 Sanford Avenue North;
- f) That outside storage of any kind shall be prohibited on Blocks "1" & "2";
  - g) Except for only a rear addition, the exterior of the building known as No. 81 Sanford Avenue North shall not be altered;
  - h) That notwithstanding Section 18A(9) of By-law No. 6593, part of the 3 required parking spaces and manoeuvring spaces shall be permitted off the lot on which the principal use, building or structure is located.
- ii) That By-law No. 85-231, applicable to a portion of the subject lands (Block "2") be repealed;
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S- , and that the subject lands on Zoning District Map E-22 be notated S- ;
  - iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
  - v) That the proposed change is in conformity with the Official Plan for the Hamilton Planning Area;
  - vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".
2. That By-law No. 79-275, as amended by By-law 87-223 be amended by adding Block "1" to Schedule "A".



**EXPLANATORY NOTE:**

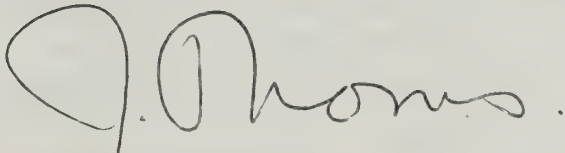
The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations (Block "1"), and for a further modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (Block "2"), for property located at Nos. 547 and 549 Wilson Street and No. 79 and 81 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit an expansion of the existing bakery business by enlarging the kitchen area (Block "2") and to provide for accessory off-street parking (Block "1").

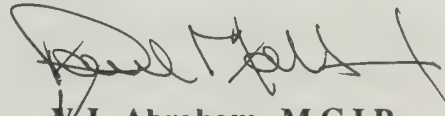
In addition, the By-law provides for the following variances as special requirements:

1. to permit a minimum front yard setback of 3.0 m from Sanford Avenue North as opposed to the required 6.0 m (previously approved By-law variance);
2. to permit a minimum southerly side yard setback of 0.10 m from Wilson Street (previously approved By-law variance) and a northerly side yard of 0.71 m as opposed to the required 1.2 m;
3. to require a minimum 1.2 m wide landscape strip to be provided and maintained along the westerly lot line, northerly lot line, and the rear 7.9 m of the easterly lot line of Block "1";
4. to require a closed board fence not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along:
  - the westerly lot line, northerly lot line, and the rear 7.9 m of the easterly lot line of Block "1";
  - the rear 8.50 m of the northerly lot line of No. 81 Sanford Avenue North (previously approved By-law variance);
5. to permit only a rear addition to the building known as No. 81 Sanford Avenue North;
6. to prohibit outside storage (previously approved By-law variance);

7. to permit part of the 3 required parking spaces, and the manoeuvring spaces to be located off the lot on which the principle use, building or structure is located (previously approved By-law variance); and,
8. to permit one window sign or wall sign having an area of not more than 2.5 m<sup>2</sup> in area, which shall be illuminated otherwise than by non-flashing indirect lighting (previously approved By-law variance).



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The purpose of the proposed zoning modification is to permit the expansion of the existing bakery (DeRosa Bakery) by "squaring-off" the existing building located at Nos. 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North. The existing dwelling located at No. 547 Wilson Street is to be demolished to provide for accessory parking (see APPENDIX "B").

- By-law No. 79-271

On September 25, 1979, City Council passed By-law No. 79 -271, which modified the "D" Zoning for the applicant's lands at No. 549 Wilson Street to provide for the following variances as special requirements:

- to permit the bakery use;

- to prohibit outside storage; and,
- to prohibit alteration of the exterior of the buildings situated on the site.
- By-law No. 85-231

On October 29, 1985, City Council passed By-law No. 85-231, which provided for a further modification to the "D" Zoning for the applicant's lands at No. 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North. The effect of the By-law is to permit, in addition to the existing bakery and residence, an accessory restaurant use (lunch counter) having a seating capacity of 12 persons.

In addition, the By-law repealed By-law No. 79-271, and provided for the following variances as special requirements:

- to permit a minimum front yard set back of 3.0 m from Sanford Avenue North as opposed to the required 6.0 m;
- to permit a minimum southerly side yard set back of 0.10 m from Wilson Street as opposed to the required 1.2 m;
- to require a visual barrier not less than 1.2 m nor more than 2.0 m in height to be provided and maintained along the westerly property line and along the rear 8.50 m of the northerly property line of No. 81 Sanford Avenue North;
- to prohibit outside storage;
- to permit part of the required parking spaces, and the manoeuvring space to be located off site; and,
- to permit one window sign or wall sign having an area of not more than 2.5 m<sup>2</sup> in area which shall be illuminated otherwise than by non-flashing indirect lighting.

***APPLICANT:***

Domenico DeRosa, owner.

***LOT SIZE AND AREA:***Block "1"

- 7.85 m (25.75 ft.) of lot frontage on Wilson Street;
- 25.46 m (83.50 ft.) of lot depth; and,
- 196.13 m<sup>2</sup> (2,111.23 sq. ft.) of lot area.

Block "2"

- 17.53 m (57.50 ft.) of lot frontage on Sanford Avenue North;
- 21.34 m (70.00 ft.) of flankage along Wilson Street;
- 370.36 m<sup>2</sup> (3,986 sq.ft.) of lot area.

The site has a total lot area of 566.43 m<sup>2</sup> (6,097.23 sq.ft.).

***LAND USE AND ZONING:***

|                          | <u>Existing Land Use</u>                     | <u>Existing Zoning</u>                                                                                                                                                                                               |
|--------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Subject Lands</u>     | single-family<br>dwelling, bakery/restaurant | "D" (Urban Protected<br>Residential - One and Two-Family<br>Dwellings, Townhouses, etc.) District<br>and "D" (Urban Protected Residential<br>- One and Two Family Dwellings,<br>Townhouses, etc.) District, modified |
| <u>Surrounding Lands</u> |                                              |                                                                                                                                                                                                                      |
| to the north             | single-family dwelling                       | "D" (Urban Protected Residential -<br>One and Two-Family Dwellings,<br>Townhouses, etc.) District                                                                                                                    |



|              |                            |                                                                                             |
|--------------|----------------------------|---------------------------------------------------------------------------------------------|
| to the south | vacant industrial building | "DE-3" (Multiple Dwellings) District, modified                                              |
| to the east  | single-family dwellings    | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |
| to the west  | single-family dwellings    | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |

#### ***OFFICIAL PLAN:***

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land use Concept plan of the Official Plan and are subject to, among others, the following policies:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv)      Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan."

Since the bakery is involved in the preparation of goods to be sold off the premises, it does not serve the needs of the local residents. Therefore, the proposal is not a permitted use in the RESIDENTIAL designation.

Notwithstanding the above, the following policies regarding noncomplying uses could be applied to the proposal:

"A.3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:

- i) Council will determine the feasibility of acquiring and of holding, selling, leasing or redeveloping the property concerned in accordance with the provisions of the Planning Act. Council will further examine the merits and potential for the relocation of the use to an area in compliance with this Plan;
- ii) If acquisition by the City is not feasible, Council may encourage the Region to consider acquisition. Where no municipal acquisition is possible and/or the special merits of the individual case make it desirable to grant permission for the extension or redevelopment of the NON-COMPLYING USE, Council may consider the passing of an enabling Zoning By-law pursuant to The Planning Act; and,
- iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:
  - a) that the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;
  - b) that the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING USE established prior to the passing of the original Zoning By-law;

- c) the characteristics of the existing NON-COMPLYING USE and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- d) that the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;
- e) such provisions and regulations will be applied to the proposed extension or enlargement and, where ever feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;
- f) that traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- g) that adequate provisions have been, or will be, made for off-street parking and loading facilities; and,
- h) that municipal services such as water, sanitary and storm sewers, roads, etc. are adequate, or can be made adequate."

The proposal represents a minor extension to the established use and as such, would not conflict with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL, and ATTACHED HOUSING" on the approved Gibson Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL".

***COMMENTS RECEIVED:***

- The Building Department has advised that:
  - "1. The By-law 85-231 which applies to the adjoining land known as 549 Wilson Street and 79 - 81 Sanford Avenue North shall also apply to these lands.
  2. Demolition approval of the existing residential building known as 547 Wilson Street by the Planning and Development Committee under Demolition Control By-law is required.
  3. The dimensions of the proposed parking spaces do not conform to the minimum 2.7m x 6.0m requirement. If these parking spaces are required, Section 18A provisions shall apply.
  4. The present use of bakery, restaurant, and dwelling unit requires a minimum of three parking spaces.
  5. The existing by-law does not permit the alteration to the exterior of the building known as 81 Sanford Avenue N. Therefore, the proposed addition is not permitted.
  6. The proposed addition requires a 1.2m northerly side yard and a 7.5m rear yard.
  7. The closed board fence requirements of the existing by-law shall be amended to accommodate the additional lands which adjoin the residential districts to the west, east and north. Presently the closed board fence has not been provided as required by the by-law.



8. The existing by-law refers to only one parking space and manoeuvring space shall not be prohibited off the site of principal building and use. According to Site Plan DA-85-59 there is 3 parking spaces partly on road allowance which is under encroachment agreement."

- The Traffic Department has advised that:

"We have no objections to the proposed zoning. However, it should be noted that there is presently no off-street parking at this location. There has been discussions about demolishing the existing building and using this area for parking. While we usually support this type of proposal, the applicant should be advised that this lot is only 25.75 feet wide and could only accommodate two or three parked vehicles. These vehicles would be required to back up onto Wilson Street and would require the removal of approximately two on-street parking spaces. We suggest that the applicant review any parking area designs with this Department".

- The Hamilton Wentworth Transportation/Environmental Services Group - Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records, the present road allowance width of Wilson Street is 18.29m and it is constructed to four lanes eastbound. The designated road allowance width of Wilson Street is 20.12m. Therefore the Applicant should be advised of a 0.914m road allowance widening at some future date or at such time as these lands redevelop.

In absence of any details shown, we advise that any works which may occur within the Wilson Street road allowance must conform to the Region's Roads Use By-Law. We recommend that the subject lands be developed through site plan control at which time specific comments on grading, access, road widenings, setbacks, etc. will be determined".

- The Hamilton Region Conservation Authority has no comments or objections.

**COMMENTS:**

1. The proposal to permit an extension of a legal non-complying use beyond the boundaries of the site is not considered to conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Gibson Neighbourhood Plan. Approval of the application would require redesignation to "COMMERCIAL" to bring the proposal into conformity.
3. While recognizing that ideally non-complying uses should cease to exist over a period of time, City Council has recognized the existing bakery/restaurant use by passing by-laws 79-271 and 85-231. In this regard, the proposal has merit and can be supported for the following reasons:
  - it does not conflict with the intent of the Official Plan in that it would not aggravate any situation detrimental to adjacent complying uses; it would not constitute a change to the surrounding uses; and, it would not interfere with the desirable development in the adjacent area;
  - the bakery use has been operating from this location since 1972 (legal non-conforming use prior to 1979) and because of established cliental in this area, is unlikely to relocate;
  - it is located in a mixed use area (i.e. industrial, commercial and residential) and appears to have existed harmoniously with surrounding development;
  - the proposal involves the infilling of a corner of the existing building to accommodate the enlargement of the kitchen area only, and the acquisition of the site in question will facilitate the use of this area for additional parking.
4. Since the subject lands adjoin residential development to the north and west, it would be appropriate to provide buffering in the form of a minimum 1.2 m high to 2.0 m high closed board fence, and a minimum 1.5 m wide landscape strip along the westerly and northerly lot lines of Block "1", and along the rear 8.5 m portion of the northerly lot line of No. 81 Sanford Avenue North, and at the rear of property located at No. 83 Sanford Avenue North.

5. The Building Department has reviewed the preliminary site plan and has identified the following by-law variance:

- Side Yard

The proposed rear building extension establishes a minimum northerly side yard of 0.71 m, whereas a minimum side yard of 1.2 m is required. As the proposal represents a westerly projection of the existing side wall of the building, the requested variance is considered minor in nature and can be supported.

6. As this proposal would involve a number of amendments to By-law 85-231, it would be appropriate to pass a new By-law incorporating all the necessary provisions, and to repeal By-law 85-231. Furthermore, it should be noted that demolition approval for the existing dwelling at No. 547 Wilson Street (Block "1") is required.
7. Since Block "2" is subject to site plan control, it would be appropriate to establish site plan control on Block "1" also.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

GAW/ma  
ZA9182









FEB 24 1992

(6a)

Mr + Mrs. Wm. Andrews  
83 Sanford Ave. N.  
Ham. Ont.

February 17, 1992

The Secretary, Planning  
and Development Committee  
City Hall  
71 Main Street West  
Ham. Ont.  
L8N 3T4

Re: File #ZA-91-82

This letter is to explain my very strong  
opposition against the application you have  
received from "Domenico De Rosa" in regards to  
the modification of his existing bakery.

We have lived at this address for many  
years and we feel that someone from your  
office should pay a visit to our home so  
that we can show you why we are so  
much against this modification. We will  
explain as best we can, but to see the  
situation would help all involved.

We already have a very small  
fenced yard, and we really do not want  
this establishment to build any closer to  
us. If this modification is allowed we will  
have to look at the building from three  
windows in our home.





We feel that we have been more than fair with the problems we have been living with thus far since the bakery opened. There have been several days when we can not open our windows because of the stench coming from the ovens, and also the very strong odour that comes from the garbage bins.

We have been residence of this neighbourhood for a long time and we feel that we are being driven out because of the changes this man has been allowed to make.

If this modification is allowed this establishment will be two feet away from our fence and we will be completely boxed in, and just for the record, our fence is not going to be taken down.

If it is convenient for anyone in your office to come to our home to see the problems we are trying to explain please feel free to call anytime at 416-529-7351 and speak to Bill & Clara, we feel that seeing the problems we feel are ahead of us will help you understand.

We remain;  
Clara Andrews









ACCO®

ACCOPRESS

|           |       |           |
|-----------|-------|-----------|
| YELLOW    | 25070 | JAUNE     |
| BLACK     | 25071 | NOIR      |
| BLUE      | 25072 | BLEU      |
| R. BLUE   | 25073 | BLEU R.   |
| GREY      | 25074 | GRIS      |
| GREEN     | 25075 | VERT      |
| TANGERINE | 25077 | TANGERINE |
| RED       | 25078 | ROUGE     |
| X. RED    | 25079 | ROUGE X.  |

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